



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

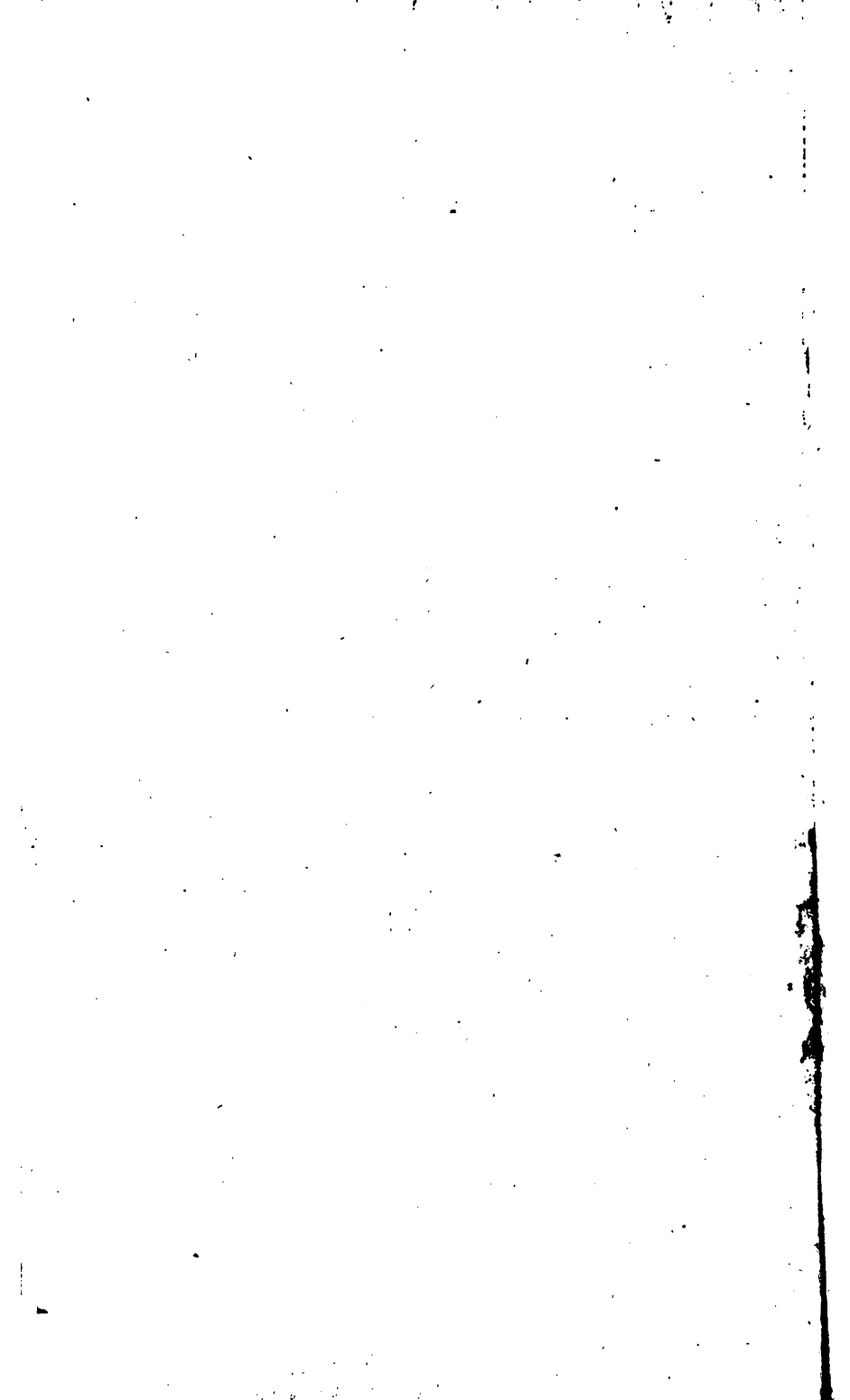
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>







41
ATK
JV



DR. WATSON.

From an Original Drawing, taken by J. G. Smith, Esq.

Pubd by W. Lewis, St. John's Square, June 1817.

HIGH-TREASON.

THE TRIALS AT LARGE

OF
ARTHUR THISTLEWOOD, GENT.
JAMES WATSON, THE ELDER, SURGEON,
THOMAS PRESTON, CORDWAINER, AND
JOHN HOOPER, LABOURER,

FOR HIGH-TREASON,

IN THE
COURT OF KING'S BENCH, WESTMINSTER,
ON
MONDAY, JUNE 9, 1817.

Taken in Short-hand by a Gentleman of the Bar,
EXPRESSLY FOR THIS EDITION,
WITH PORTRAITS OF THE PRISONERS.

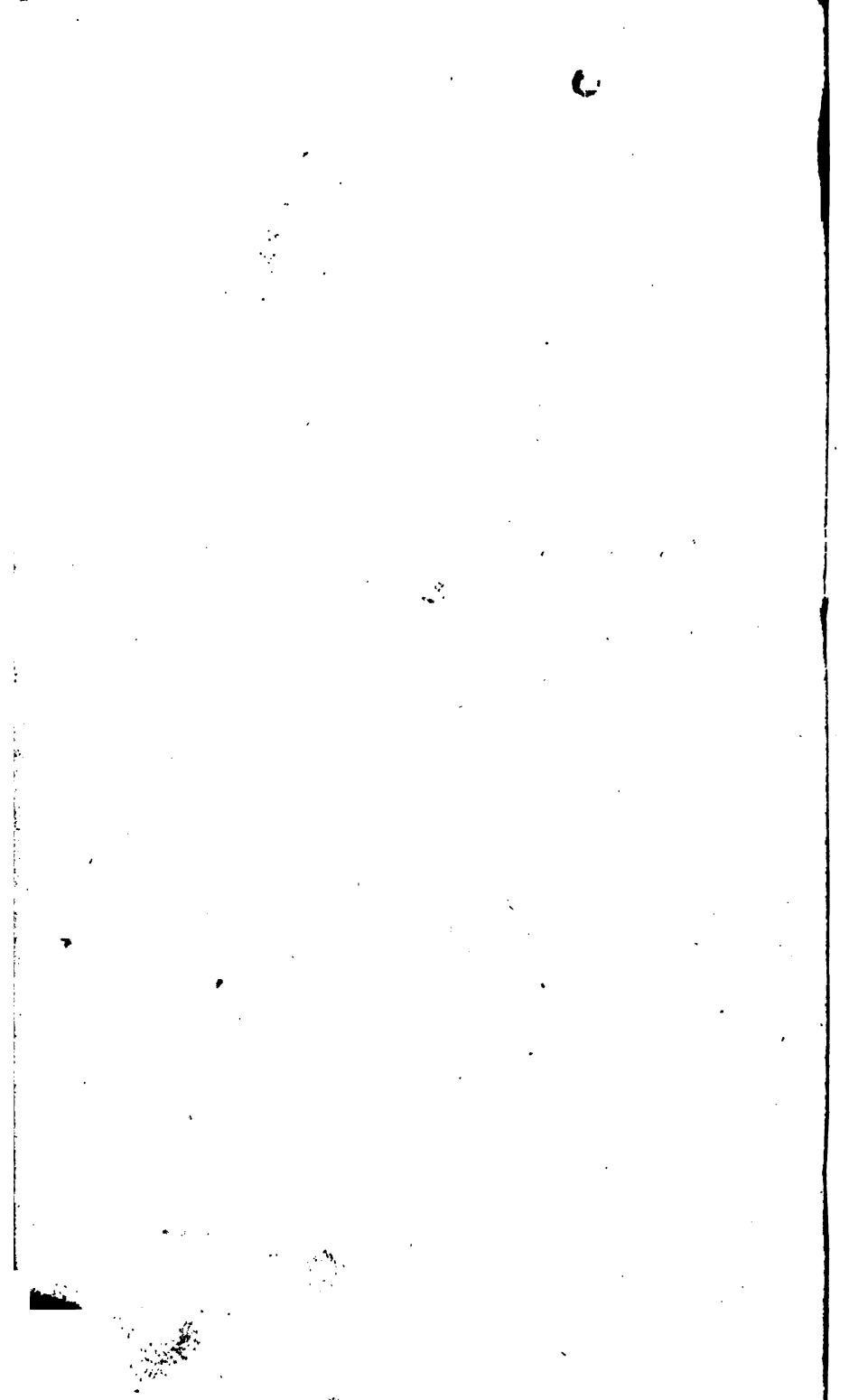
London:

PRINTED AND PUBLISHED BY W. LEWIS, ST. JOHN'S
SQUARE, CLERKENWELL:

AND SOLD BY

SHEPHERD and Co. Paternoster-row; SIMPKIN and MARSHALL, Stationers' court; T. TEEB, Cheapside; T. HUGHES, Ludgate-street; W. RODEN, Bedford-street, Covent-garden; T. RODEN, Hanway-street; and by all Booksellers in the United Kingdom.

1817.



High-Treason!!

THE TRIALS AT LARGE

OF

ARTHUR THISTLEWOOD, Gent.
JAMES WATSON, the Elder, Surgeon,
THOMAS PRESTON, Cordwainer, and
JOHN HOOPER, Labourer,

UPON AN INDICTMENT FOUND AGAINST THEM FOR
HIGH-TREASON.

MR. JUSTICE BAYLEY'S CHARGE TO THE GRAND JURY.

Court of King's Bench.

ON Monday, April 28, 1817, at ten o'clock, the Grand Jury for the county of Middlesex having been sworn, Mr. Justice Bayley addressed them as follows:—

Gentlemen of the Grand Jury,—You are assembled, as grand jurors for this county, to discharge the duty of that service. Of the nature of your duty I have no doubt that you are previously well aware. It is in general to examine into each of the particular charges that may be brought before you; and, if you find a charge supported by such evidence as you are induced to believe corresponds with the charge, you return the bill containing

1.

such charge as true. But I understand that there is likely to be brought under your consideration a charge different from those which ordinarily occupy the attention of the grand jurors in this place—a charge of the highest crime that can be committed—the crime of high-treason. Of the particular evidence by which that charge is to be supported, I am (as I ought to be) as ignorant as you are; but it is my duty, as accurately as I can, to point out to you the law applicable to the subject, so that you may be enabled to refer that law to the evidence which may be brought under your consideration; and thus that you may be enabled to decide between the public on the one hand and the individuals accused on the other. The charge of which I have spoken as likely to be brought before you will consist, I believe, of four different descriptions of treason; there will be—the first, compassing and imagining the king's death; another will be, compassing and imagining to depose the king; the third will be, that of levying war against the king; and the fourth will be, not actually levying war against the king, but conspiring to levy war, to force the crown to change its measures and counsels.

Gentlemen, of these, two—namely, the first and third—were made treason by an act of parliament so long ago as William III. The other two were made treason by an act of parliament in the present reign, namely, the 36th of George III. cap. 7. I mention the chapter, because, in considering the question, you may have occasion to refer to it. Of these, that of compassing and imagining the king's death is considered as an act of the mind; and, unless it is further evinced and indicated by some act proceeding to that end, or to the deposing of the king, the charge would not be made out; and, upon this count, you must not only have a conviction that that idea entered the mind of the individual, but that he acted upon that compassing and imagination. The law considers that it is not necessary that the idea which enters the mind of the individual who is charged should be actually to destroy the king, or actually to depose the king; but if his object should be of such a nature as that, in the means taken to accomplish it, the life or safety of the king are likely to be brought into hazard, it will be considered, that entertaining and acting upon an object of that kind is necessarily contemplating the

ultimate end, viz. the death or deposition of the king. You are considered as always bearing in mind that act which is likely to be the consequence of the means which you are adopting for effecting a particular purpose.

In levying war against the king, a compassing and imagining of his death is supposed by the law; because a man who would be wicked enough to levy war against the crown would, if he were successful, entirely take off and remove from the throne that power whose duty it would be to punish the offence of high-treason. Therefore, the levying war would be what is called an overt-act of compassing and imagining the king's death, or of compassing and imagining the deposing of the king.

Gentlemen, it is very necessary that you should be apprised beforehand of what the law considers as a levying of war. It is not absolutely necessary, in order to constitute that offence, that there should be a regular organized force, or that the persons should be in military array. If there is an insurrection, that is, a large rising of the people, for the purpose of effecting by force and violence, not any private objects of their own, but a public purpose, that is by law a levying of war. There must be an insurrection, and force must accompany that insurrection, and the objects must be of a general nature.

This has been under the consideration of the judges at many periods of time, and has always received from them the same opinion. One of the earliest cases was one when there was a general rising of a great many people—a mob of about five thousand persons, with a view, (not, to be sure, of a wicked nature), but to put down all brothels,—houses of ill-fame. That was not to revenge any private wrongs of any of the individuals, but with a view to a general reform. The judges were of opinion that it was not for individuals to take upon themselves to effect any general purpose by force and violence; and that was considered an act of high-treason, as an act of levying war.

Another of the early cases was not of a very different description; it was one in which the persons met with a view of putting down all meeting-houses by force; those were the meeting-houses of those persons who differed in religious opinion from the established church. Thence the judges, in the reign of Queen Anne, were of opinion, that, inasmuch as the rising with force was for a general purpose, it constituted the offence of levying war.

Gentlemen, in our own times, in the case of my Lord George Gordon, there was an insurrection for the purpose of putting down popery; and, I dare say, many of you recollect the cry of 'No Popery.' That was an insurrection for the purpose of putting down a religious establishment with force and violence; and there the judges had no doubt or difficulty, that a rising for the general purpose with force, was an act of levying war against the crown. The text writers on this subject, both the learned Sir Matthew Hale, and Mr. Justice Foster, who coolly considered this question in their closets, were of the same opinion. Therefore, what I say is not only the opinion of the judges who decided on the cases when they came under their consideration, but also of those who were writing for posterity. Therefore, if in that which shall come before you, you shall find that there was a rising, accompanied with circumstances of force and violence, and if you shall be satisfied that the persons who rose had as their object to effect by force or violence any general reform, of any description whatever, or any other public purpose, it will amount to a levying of war.

Another of the charges will be, conspiring to levy war with a view to force the crown to alter its measures and counsels. That charge supposes that there has not been so much insurrection as amounts to the actual levying of war, but merely supposes that certain persons have met together, and that the result of their deliberations is to effect such a rising as will procure their object—namely, the forcing the king to change his measures and counsels.

In order to support these different charges, the law expects that what are called overt-acts will be stated in the bill of indictment. The overt-acts do not constitute the treason, but they are inserted in the indictment as the evidence which is afterwards to make out the charge. They are also inserted that the prisoner or person accused may be aware beforehand of the evidence that is to be brought against him, and that he may be on his guard. Many overt-acts will, no doubt, be alleged, and you will strike out such as you do not conceive to be supported by the evidence.

In cases of treason, it is necessary that there should be two witnesses, in order that the accused may be convicted; two witnesses to each overt-act; but if one

proves one overt-act, and another another, in the same count, that will be sufficient in law to warrant conviction.

It will also be necessary, before you can return a true bill, that you should be convinced that some of the overt-acts were committed in the county of Middlesex, which is only within your jurisdiction; but if one is proved to be committed within your jurisdiction, then you will have power to inquire as to all the others, whether committed in Surrey, in London, in any other part of the country, or even out of the country.

In the ordinary cases of felony, gentlemen, there are accessaries both before and after the fact on many occasions; but in treasons all are principals. No matter when a man enters into the common design; the moment he has entered into it, he becomes a party to all that has been done by the others before, and to all that may be subsequently done.

'Conspiring' and 'consulting' will be alleged as some of the overt-acts; and, in order to support them, it will not be necessary that you should have evidence from persons who heard them consult; but if you find that there was a plan, and you shall be satisfied that there was a previous consultation and conspiracy, of the measures of which the persons charged have adopted, that will warrant you in finding the bill of indictment against them.

I have endeavoured, gentlemen, to offer you such considerations as occur to me, by way of directing your judgment, but not with a view of influencing your passions.

I am sure you will give this high and heavy charge the fullest and fairest investigation; and you will not return a bill against all or any of these persons unless it is proved, to the satisfaction of your minds, that they are guilty of all, or some of the charges.

These observations I have thought it material to offer to you; and if, in the execution of your duty, any difficulty should arise, I should be very glad to give you any assistance which is in my power.

The jury then proceeded to the grand jury-room, where the bill of indictment against Watson the clerk, Preston, Hooper, Thistlewood, and Keens, was laid before them and read. It is, of necessity, from the nature and form of such indictments, extremely long. It comprises four counts, and imputes to the persons charged fourteen

overt-acts of treason. At one o'clock, Mr. Litchfield, Solicitor for the Treasury, the first witness, was called in, and the others were called in their order.

The grand jury continued to sit until half-past five, when they adjourned, for the purpose of examining the remaining witnesses next day.

THE ATTORNEY-GENERAL'S SPEECH TO THE COURT.

Court of King's Bench.

Tuesday, April 29.—Just as the Court was about to rise, the foreman of the grand jury, accompanied by his fellows, delivered in their presentment, on which it was stated that they found true bills against Arthur Thistlewood, James Watson the elder, Thomas Preston, and John Hooper, for high-treason.

The bill against John Keens was not found.

As soon as the names had been read, the attorney-general addressed the Court, as follows:—In consequence of the bills of indictment now returned by the grand jury, it becomes my duty to move your lordships, that the sheriff of the county of Middlesex be directed to furnish Mr. Litchfield, as solicitor for the prosecution, with a list of the proper number of persons capable of serving on the jury, that copies of that list may be delivered to each of the persons against whom bills of indictment have been found.

The Court then made an order accordingly.

The attorney-general proceeded:—It may not be improper for me to take this opportunity of stating to your lordships, there has been nothing which I, and I may say every person connected with the duty of prosecuting, have had more at heart than that it should be brought to the earliest possible examination. Your lordships know perfectly well, that by the kind permission of the Court, even the present stage of inquiry has been somewhat accelerated: by the usual course of proceeding, the grand jury would not have been summoned so early in the term; therefore, every facility has been afforded that the persons accused might have their deliverance at the earliest moment. Your lordships have now ordered, that the sheriff of the county of Middlesex shall return a certain number of names of persons to serve upon the

jury, and your lordships are aware that that number must be considerable. It is not possible to state exactly at what time that duty will have to be performed, but we have every reason to believe that it will occupy some time; and taking it at the very earliest moment, and with the utmost anxiety that the cases shall be tried as soon as possible, your lordships would find yourselves unable to name a very early day. By law, without consulting the convenience or the desire of any body, it is impossible that an earlier day can be named for commencing the trial than the Friday preceding the conclusion of the term; leaving, therefore, only Saturday and Monday afterwards, the latter being the last day of your lordship sitting in banc. Your lordships will be aware, that at least a considerable portion of the first day of such a proceeding must necessarily be consumed in assembling a jury for the trial of the accused to which there is no objection; so that my duty of stating the case would not commence until late on Friday. There will then only be left Saturday and Monday for the conclusion; and if, by any accident, by the length of the inquiry itself, by the number of witnesses to be examined, or by any other circumstance, the trial should be protracted so as not to be finished by the end of the term, I need not state to your lordships the consequences; all our labour would have been vain. In a grave proceeding like the present, I say nothing of the inconvenience that would be left at the end of the term by the interruption of business; for I am sure that you lordships would willingly lay aside all other matters, however important; but, under all the circumstances, it does appear to me that I should be abandoning my duty if I were to hesitate for a moment on the point whether I should ask your lordships to take these trials at bar during the present term. I think that it is my duty to the prisoners, which I hold to be paramount to my duty to the public, or at least as standing on one footing, being in truth the same, to ask that a later day should be appointed. I can have no wish but, in common with your lordships, that justice shall be satisfactorily administered; and I thought, therefore, that the earliest moment when I could communicate with the court upon the subject was the fittest moment. I should request that your lordships will have the goodness to fix as early a day as possible in the next term for commencing proceedings. Before I sit down, it may be fit to intimate,

that in the course of the term I shall apply to the Court that the parties accused may be arraigned, which will be one step gained this term; but to proceed to the trial is, I am sure, impossible.

Lord Ellenborough.—From what you state, Mr. Attorney-general, the Court understand that the trial cannot be practicably concluded in the present term; if so, it would answer no useful purpose, and be a waste of labour and attention, as well as distressing to the feelings of the persons who are the object of the prosecution; the Court will, therefore, consider what day in the next term will be convenient for entering upon this business.

The Attorney-general.—Of that your lordships will probably inform us after consideration: at present, I believe, it is not necessary to trouble the Court: for the sake of the prisoners, I deemed it my duty to mention the subject without delay.

Lord Ellenborough.—The first day of the trial would certainly be occupied in the way you have stated, and at what time the business could be terminated must, of course, be uncertain.

Their lordships then consulted together for a few seconds, after which

Lord Ellenborough added—Without pledging ourselves not to alter our determination, it will do no harm that the Court should intimate that they have it in contemplation to fix the first Monday in the next term. Such motions for new trials as may be to be made may come on on the Friday and Saturday previous, so that the business may be proceeded in on the third day of the term.

The grand jury then withdrew, and the Court adjourned.

LIST OF THE JURY SUMMONED FOR THE TRIAL.

Thomas Mitchelson, of Green-street, Grosvenor-square, surveyor.	Daniel Wilshen, of Long-Acre, esq, gold-beater.
Thomas Allman, of Prince's-street, Conduit-street, bookseller.	Thomas Boot, senior, of Leicester-square, grocer.
Robert Durham, of Mill-street, Conduit-street, carpenter.	John Tomlinson, of Bedfordbury, Covent-garden, woollen-draper.
John Turner, of New Bond-street, jeweller.	Peter Richardson, of Charing-cross, esq, lottery-office-keeper.
Robert Norton, of Pickett-street, Temple-bar, button-maker.	Samuel Edwards, of Robert-street, Adelphi, wine-merchant.

- Henry Underwood, of Drury-lane, cutler.
 Charles Eady, of Goswell-street, water-gilder.
 Thomas Hacker, of the same, timber-merchant.
 George Allen, of Banner-street, St. Luke's, brass-founder.
 Daniel Gardner, of Chiswell-street, hatter.
 Samuel Fish, of St. John-street, tobaccoist.
 John Woodhead, of Drury-lane, distiller.
 John Lane, of Thornhaugh-street, Bedford-square, gent.
 Thomas Capper, of Beaufort-wharf, Strand, coal-merchant.
 Francis Wingrave, of the Strand, bookseller.
 John Bryant, of Wapping-street, anchor-smith.
 James Fraser, of the same, biscuit-baker.
 Arthur French, of the same, iron-monger.
 John Franklin, of Gower-street, esq.
 William Beckett, of the same, esq.
 Peter Ludgate, of Great Queen-street, Lincoln's-inn-fields, gent.
 John Doyle, of Holborn, fan-light manufacturer.
 William Hughes, of the same, truss-maker.
 William Bailey, of the same, iron-monger.
 William Philpot, of the same, linen-draper.
 Daniel Papperil, of Garden-place, Great Turnstile, Holborn, tailor.
 John Rabbeth, of Red Lion-street, Holborn, cheesemonger.
 William Baylis, of the same, tinman.
 Samuel Kell, of the same, carpenter and undertaker.
 John Wilton, of Bedford-street, Bedford-row, boot-maker.
 John Dickson, of Greville-street, Hatton-garden, baker.
 James Clark, of Laystall-street, Li-quorpond-street, gent.
 George Belles, of Gray's-inn-lane, grocer.
 Robert Armstrong, of Baldwin's-gardens, Gray's-inn-lane, pawnbroker.
 Richard Ramsden, of Brook-street, Holborn, capillaire-maker.
 William Marsh, of the same, dyer.
 Joel Edwards, of Greville-street, Hatton-garden, tailor.
 William Phillips, of Holborn, iron-monger.
 Charles Parry, of the same, linen-draper.
 Joseph Arden, of Fulwood's Rents, Holborn, glassman.
 Christopher Scott, of Brownlow-street, Holborn, tailor.
 Edward Helling, of Featherstone-buildings, Holborn, painter.
 Thomas Bean, of Dean-street, Holborn, butcher.
 Thomas Cordell, of Leather-lane, Holborn, gent.
 Charles Cox, of Hatton-garden, army-agent.
 Thomas Wilkes Barker, of Kirby-street, Hatton-garden, silver-smith.
 George Woodward, of Leather-lane, Holborn, turner.
 Richard Jaques, of Hatton-garden, auctioneer.
 Thomas Rich, of Holborn-hill, hatter.
 Richard Flemming, of Tottenham-court-road, esq. surveyor.
 Samuel Baxter, of Carmarthen-street, Tottenham-court-road, esq. builder.
 William Bentham, of Upper Gower-street, conveyancer.
 John Christmas, of Upper Thornhaugh-street, esq. painter.
 William Knight, of Euston-place, Euston-square, esq.
 Bowman Atkinson, of London-street, Fitzroy-square, gent.
 James Heath, of Russell-place, Fitzroy-square, engraver.
 James Catforth, of Lower Fitzroy-street, Fitzroy-square, gent.
 Samuel Baker, of Tottenham-court-road, pork-butcher.
 Joseph Mail, of Keppel-row, Fitzroy-square, stone-mason.
 William Thomas Miles, of Hertford-street, Fitzroy-square, grocer.
 Frederick Holbroke, of Upper Fitzroy-street, Fitzroy-square, gent.
 Rudolph Ackermann, of the Strand, print-seller.
 William Winchester, of Cecil-street, Strand, gent.
 John Mawe, of the Strand, ship-owner.
 John Parker, of the same, woollen-draper.

- Robert Hall Westley, of the Strand, bookseller.
- Henry Buckley, of the same, floor-cloth-manufacturer.
- Abraham Walker, of the same, mercer.
- William Robert Burgess, of the same, oilman.
- James William Brooks, of the same, glass-dealer.
- John Miers, of the same, miniature-painter.
- Edward Wilson, of the same, upholsterer.
- John Barnthwaite, of the same, linen-draper.
- William Dobson, of the same, jeweller.
- James Halford, of Norfolk-street, Strand, navy-agent.
- Samuel Page, of Doughty-street, Guildford-street, builder.
- William Forsyth, of Nottingham-place, Mary-le-bone, esq.
- John Spicer, of Gray's-street, Duke-street, Manchester-square, brandy-merchant.
- John Smith, of John-street, Mary-le-bone, undertaker.
- Richard Miller, of Mortimer-street, Mary-le-bone, tailor.
- James Little, of the same, upholsterer.
- John Thompson, of Newman-street, esq. auctioneer.
- Thomas Papworth, of the same, plasterer.
- William Porden, of Berner's-street, esq. architect.
- William Reynolds, of Oxford-street, bookseller.
- James Rumble, of Orchard-street, Portman-square, butcher.
- Nicholas Cade, of High-street, Bloomsbury, carpenter.
- Francis Hager, of Plumtree-street, St. Giles's, grocer.
- Francis Keysall, of Broad-street, St. Giles's, cheesemonger.
- Thomas Alcock Grindall, of the same, distiller.
- John Eaton, of the same, brandy-merchant.
- John Heath, of Queen-square, esq. merchant.
- Charles Stoner, of Great Ormond-street, gent.
- Richard Hosman Soly, of the same, esq.
- James Peak, of Great Ormond-yard, Great Ormond-street, brick-layer.
- John Best, of Devonshire-street, St. George the Martyr, gent. coal-merchant.
- John Booth, of the same, gent. surveyor.
- Thomas Tedd, of the same, gent. surveyor.
- Samuel Homer, of Red-lion-square, appraiser.
- Samuel Roberts, of Old North-street, Red-lion-square, victualler.
- Richard Perkins, of Red-lion-street, Holborn, shoemaker.
- Edward Powell, of the same, grocer.
- Charles Baxter, of Red-lion-passage, Red-lion-street, Holborn, porkman.
- Henry Jackson, of the same, boot and shoemaker.
- Peter Bardin, of the same, painter and glazier.
- William Sabine, of Church-street, Christchurch, carpenter.
- John Pittard, of the same, paper-manufacturer.
- Thomas Gable, of the same, weaver.
- William Hale, of Wood-street, Christchurch, weaver.
- John Edger, of Prince's-street, Christchurch, weaver.
- Evan Jones, of Brown's-lane, Christchurch, grocer.
- James Soames, of Wheeler-street, Christchurch, soap-maker.
- Robert Young, of Holywell-street, Shoreditch, esq. bricklayer.
- John Marshall, of the same, esq. grocer.
- Robert Hill, of the same, tobacco-nist.
- Joseph West, of the same, grocer.
- Robert Conyers, of the same, iron-monger and dealer in marine stores.
- Thomas Titterton, of the same, coach-maker.
- William Hagblock, of the same, currier.
- Joseph Teale, of the same, shoemaker.
- William Granger, of the same, grocer.
- John Ham, of Spital-square, weaver.
- Samuel Knight, of High-street, Norton-falgate, esq. druggist.
- George Woolrich, of White-lion-street, Norton-falgate, weaver.
- Thomas Carr, of Chapel-yard, Norton-falgate, plasterer.

- William Pryor, of White-lion-street,
 Norton-falgate, leather-seller.
 Thomas Porter, of Long-alley, Moor-
 fields, baker.
 Thomas Armitage, of the New-road,
 St. George's in the East, esq.
 George Armstrong, of Welclose-
 square, coal-merchant.
 Thomas Burford, of Ratcliffe-high-
 way, gent. stationer and paper-
 hanger.
 Charles Berner, of Berner's-street,
 Commercial-road, gent.
 Thomas Dix, of Cannon-street-road,
 coal-merchant.
 William Stocks, of Wapping-street,
 batter.
 Thomas Brown, of the same, instru-
 ment-maker.
 Thomas Driver, of the same, slop-
 seller.
 John Hartshorn, of the same, esq.
 sail-maker.
 John Jenkins, of the same, coal-
 merchant.
 Thomas Morton, of the same, esq.
 brewer.
 Peter Mallard, of the same, esq. sail-
 maker.
 Alexious John Strickland, of the
 same, esq. coal-merchant.
 Sawyer Spence, of the same, plumber.
 Sharp Thurlby, of the same, tallow-
 chandler.
 John Henry Wackerbarth, of Par-
 son-street, Wapping, esq. sugar-
 baker.
 Richard Gray, of King-street, East-
 smithfield, ironmonger.
 Joseph Metcalf, of Upper East-
 smithfield, oilman.
 William Loat, of the same, currier.
 John King, of the same, currier.
 William Selby, of the same, slop-
 seller.
 William Phillips, of Manor-row,
 East-smithfield, music-seller.
 John James Harris, of Nightingale-
 lane, watch-maker.
 Thomas Thornton, sen. of Lower
 East-smithfield, gent.
 James Rutherford, of the same, bra-
 zier.
 Alexander Mitchell, of the same,
 wharfinger.
 Andrew Laurie, of the same, whar-
 finger.
 Jonathan Docker, of Burr-street,
 East-smithfield, auctioneer.
 Alexander Simson, of the same, ma-
 hogany-broker.
 Thomas Wildman Goodwyn, of the
 same, brewer.
 Joseph Watson, of the same, mer-
 chant.
 Thomas Mashiter, of Ditch-side,
 Saint Catherine's, esq. wharfinger.
 Robert Helme, of the same, esq.
 wharfinger.
 William Gibbs, of New-street, Saint
 Catherine's, distiller.
 John Crompton Bishop, of Saint
 Catherine's-court, Saint 'Cathe-
 rine's, distiller.
 Henry Popkin, of Saint Catherine-
 street, provision-merchant.
 George Richardson, of the same, op-
 tician.
 John Annis, of High-street, Ken-
 sington, builder.
 William Rogers, of the same, brazier.
 Daniel Jones, of the same, esq.
 William Mair, of the same, esq.
 Samuel Drew, of the same, esq.
 George Aust, of the same, esq.
 Richard Davis, of Church-street,
 Kensington, gent.
 Philip Codd, of Holland-street,
 Kensington, esq.
 William Smith, of Church-court,
 Kensington, esq.
 John Gregory, of Kensington-square,
 gent.
 Charles Walker, of the same, esq.
 Richard Chase, of the same, esq.
 Thomas Buckland, of Phillimore-
 place, Kensington, gent.
 Philip Gilbert, of Earl's-court, Ken-
 sington, silversmith.
 Samuel Hutchins, of the same, farmer.
 William Brooks, of Tothill-street,
 Westminster, hardwareman.
 William Appalbee, of the same, sta-
 tioner.
 Thomas Stone, of the same, cooper.
 Richard Wilford, of Dean-street,
 Westminster, stone-cutter.
 Samuel Tansley, of the Almonry,
 Westminster, ironmonger.
 Jonathan Green, of New Tothill-
 street, Westminster, cow-keeper.
 William Cleghorn, of the same, shoe-
 maker.
 Samuel Milner, of Dean's-yard,
 Westminster, stable-keeper.
 William Girdler Mucklow, of Old
 Tothill-street, Westminster, oil-
 man.

William Fell, of Great Chapel-street, Westminster, currier.	James Howes, Picket-street, Temple-bar, baker.
Joseph Smith, of Dacre-street, Westminster, gent.	William Randsell, of Holborn, grocer.
Thomas Williment, of Green-street, Grosvenor-square, painter.	Hugh Monroe, of Gilbert-street, Clare-market, corn-chandler.
George Musgrave, of the same, esq.	William Sadler, of Vere-street, Clare-market, tallow-chandler.
Thomas Lowe Hughes, of the same, esq.	David Cunningham, of the same, glass-cutter.
James Scott, of the same, esq.	Stewart Campbell, of the same, baker.
George Godfrey, of New Bond-street, shoemaker.	David Anderson, of Casey-street, carpenter.
Richard Artist, of the same, poulterer.	William Jackson, of Great Shire-lane, whitesmith.
James Wood, of the same, confectioner.	George Barbut, of Chandos-street, Covent-garden, boot-maker.
Samuel Pratt, of the same, trunk-maker.	Alexander Japp, of the same, grinder.
Edward Orme, of the same, print-seller.	John Kepp, of the same, copper-smith.
William Turner, of the same, perfumer.	Stafford Price, of St. Martin's-lane, carrier.
William Kinsey, of the same, linen-draper.	Abraham Dry, of the same, pawn-broker.
Henry Hope, of Oxford-street, oil-man.	John Bayley, of the same, wollen-draper.
Robert Hartley, of the Strand, perfumer.	John Hunter, of the same, mereer.
John Rose, of Pickett-street, Temple-bar, cheesemonger.	Walter Williams, of the same, button-maker.
Charles Hewett, of the same, engraver.	Thomas Palmer, of the same, glass-cutter.
	James Richards, of Homing's-row, St. Martin's-lane, shoemaker.

COPY OF THE SUBPENA.

George the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To A. B.—C. D.—E. F.—G. H.—and to every of them, greeting: We command you and every of you, that, laying aside all excuses and pretences whatsoever, you and every of you personally be, and appear before us, at Westminster, on Monday, the ninth day of June next, by nine of the clock in the forenoon of the same day, there to testify the truth, on our behalf, against Arthur Thistlewood, James Watson the elder, Thomas Preston, and John Hooper, for High-Treason; and this you or any of you are not to omit under the penalty of one hundred pounds, to be levied on the goods and chat-

ties, lands and tenements, of such of you as shall fail herein. Witness Edward Lord Ellenborough, at Westminster, the nineteenth day of May, in the fifty-seventh year of our reign.

By the Court,

(Signed)

LUSHINGTON.

A LIST OF WITNESSES, SUMMONED BY GOVERNMENT ON
THE TRIAL.

- | | |
|--|---|
| <p>John Ackroyd, servant, Allsop-buildings.
 Harry Adkins, patrol, Bow-street.
 Richard Angel, Prince's-row, New-port-market, harp-maker.
 Mary Apted, No. 10, King-street, West, Edgeware-road, wife of R. Apted, bricklayer.
 Robert Baker, of Marlborough-street, esq. one of the justices of the public-office there.
 Thomas Baker, waiter at the Cheshire-cheese public-house, in Crutched-friars.
 Zaccheus Bannister, Hyde-street, Bloomsbury, cane-worker.
 Ann Bannister, wife of the said Z. Bannister.
 Henry Barlow, Brunswick-square, esq. secondary on the crown side of his majesty's court of king's-bench.
 Thomas Bateman, Tottenham-court-road, servant to J. Wadmore, pawnbroker.
 Samuel Bates, a soldier in the first regiment of life-guards, Knights-bridge-barracks.
 John Beckett, Great George-street, Westminster, esq. one of his majesty's under secretaries of state.
 William Andrew Beckwith, Skinner-street, gun-maker.
 Henry Beckwith, son of the said W. A. Beckwith.
 Isaac Bentley, Bird-in-hand-court, Hart-street, Covent-garden, locksmith and bell-hanger.
 William Bland, Union-place, Ball's Pond, labourer.
 John Bletsoe, soldier in the 2d or Coldstream foot-guards.
 George Bogue, Grand Junction-st. Whitefriars, timber-merchant.</p> | <p>Daniel Bishop, Great Queen-street, Lincoln's-inn-fields, constable belonging to Bow-street.
 George Bolton, Stanhope-street, Mayfair, servant to the Earl of Essex.
 George Bradley, High-street, Mary-le-bone, victualler.
 Martin Brander, Minories, gun-maker.
 John Bridgens, serjeant in the 2d or Coldstream regiment.
 C. Briscoe, 30, Hyde-street, Bloomsbury, grocer.
 Mary Briscoe, wife of the said C. Briscoe.
 James Brookes, Paddington-street, Mary-le-bone, pawnbroker.
 James Brown, soldier in the 2d or Coldstream foot-guards.
 William Brown, George-street, Blackfriars-road, smith.
 G. Buchanan, soldier in the 2d or Coldstream foot-guards.
 James Buller, of Sackville-street, esq. one of the clerks of his majesty's privy council.
 Sir Francis Burdett, St. James's-place, bart.
 Rhodes Button, Tower of London, yeoman-porter, and acting gentleman gaoler thereof.
 Benjamin Pitts Capper, Dunsane-place, Clapham, esq. clerk for the superintendence of aliens.
 Robert Carter, Tower, yeoman-warder thereof.
 D. Cartwright, Trafalgar-place, Red-cross-street, marshall.
 John Cartwright, James-street, Buckingham-gate, esq. (Major Cartwright).
 John Castle, lately abiding at the house of R. Angel, Prince's-row,</p> |
|--|---|

- Newport-market, now a prisoner in Tothill-fields Bridewell, white-smith.
- James Chappell, Long Acre, victualler.
- Richard Viscount Chetwynd, Bolton-row, Piccadilly, of his majesty's most honorable privy-council.
- Stephen Claddis, High-street, Southwark, yeoman-warder of the Tower.
- John Clark, East-street, Walworth, yeoman-warder of the Tower.
- William Clark, of the Tower, yeoman-warder.
- C. Clarke, 5, Kenton-street, Brunswick-square, gold-lapper.
- W. Clarke, jun. King-street, Christchurch, weaver.
- Sir Nathaniel Conant, Portland-place, one of the justices at the public-office in Bow-street.
- Daniel Cook, of the Tower, yeoman-warder.
- Charles Cooke, Cow-cross, inspector of hawkers' licences.
- R. Cooper, of Water-lane and Bouverie-street, tavern-keeper.
- Eleanor Corbould, Southampton-buildings, Chancery-lane, lodging-house-keeper.
- Walter Cossier, Milbank-street, timber-merchant.
- Thomas Cox, Middle-row, St. Giles's, porter.
- John Crisp, No. 3, Tyler's-court, Wardour-street, grocer.
- Thomas Darlington, a soldier in the 2d or Coldstream regiment of foot-guards, abiding in a hut near the Military College at Sandhurst, Berks.
- Thomas Davis, Essex-street, Whitefriars, victualler.
- William Davis, Newcastle-street, Southwark, shoemaker.
- Henry Dealtry, Bedford-row, esq. clerk of the rules on the crown side of his majesty's court of king's bench.
- John Dean, Swallow-street, Piccadilly, tinman.
- John de Fleury, 30, Hyde-street, Bloomsbury, schoolmaster.
- Mary de Fleury, wife of the said John de Fleury.
- Vincent George Dowling, George-street, short-hand-writer.
- William Drinkwater, King-street, Smithfield, constable.
- John Delaforce, Shoe-lane, victualler.
- William Duke, New Cut, Lambeth, wheelwright.
- Mary Duke, daughter of the said William Duke.
- John Dyall, Felix-street, Hackney-road, weaver.
- George Dyer, 98, High-Holborn, clerk at the Bank of England.
- Richard East, Tower of London, yeoman-warder.
- Thomas Edmonds, a soldier in the 2d or Coldstream regiment.
- Lucy Eldridge, Wandsworth-road, wife of J. Eldridge.
- Adam Elliott, Stangate-street, Lambeth, victualler.
- William Elliott, of Paradise-buildings, Lambeth, clerk.
- Robert Emery, Union-street, Hackney-road, victualler.
- Michael John Fitzpatrick, the younger, of Bath-street, Clerk-enwell, gent. one of the clerks at the Public-office, Hatton-garden.
- William Fletcher, of the Tower of London, yeoman-warder.
- George Flint, Edgeware-road, pawnbroker.
- Margaret Maria Folkes, servant, 2, Neville's-court, Fetter-lane.
- John Gilling, a soldier in the 3d regiment of foot-guards, abiding in the Tower of London.
- James Gillmor, Rochester-row, Westminster, constable, belonging to the Public-office in Queen-square, Westminster.
- Ed. Goodspeed, Hatton-wall, undertaker and blind-maker.
- William Gordon, West-street, Gravesend, clerk to the inspector of aliens.
- Ed. Goulding, Ditton, Buckingham, painter.
- William Gowers, Falconberg-court, Soho, chimney-sweeper.
- Thomas Graves, Cow-cross, broker.
- Cornelius Gray, Oakley-street, Lambeth, victualler.
- C. J. Green, King-street, Covent-garden, short-hand-writer's clerk.
- James Guess, 4, Lisson-row, Lisson-grove, stone-sawyer.
- John Hall, Circus, Minories, merchant.
- William Ham, Gray's Inn-lane, livery-stable-keeper.
- Robert Harper, the younger, Hemlock-court, Carey-street, mariner.

William Harris, a soldier in the 2d or Coldstream regiment.
 John Harrison, Castle-street, Long-acre, turner.
 Thomas Harrison, Grafton-street, Soho, victualler.
 Susannah Harrison, wife of the said T. Harrison.
 Jane Hatton, Hyde-street, Bloomsbury, servant to Z. Mannister, before-named.
 Ann Hayes, Horseferry-road, Westminster, servant to H. Wheatley, victualler.
 John Heyward, 6, Stangate-wall, Lambeth, stock-broker.
 Thomas Hillingworth, 6, Hand-court, Holborn, servant to John Leach, esq.
 Henry Hobhouse, Hunter-street, Brunswick-square, esq. barrister-at-law, and assistant-solicitor for the affairs of his majesty's treasury.
 Francis Hobler, Queen's-row, Pentonville, clerk to the lord-mayor.
 Joseph Hodges, Bethnal-green-road, victualler.
 John Hodgetts, Paternoster-row, silk-mercier.
 Wm. Hoole, 94, Holborn, clerk at the Bank of England.
 Wm. Hillyer, the elder, Westminster-road, victualler.
 William Hillyer, the younger, of the same place.
 Edward Hone, 34, New Broad-st. gun-maker.
 John Huggins, Tothill-street, Gray's Inn-lane, tidewaiter in his majesty's customs.
 Mary Hulse, Fox-under-the-Hill, Ivy-bridge, Strand, victualler.
 Henry Hunt, Middleton-Cottage, Haats, gent.
 Wm. Hurst, Woburn-street, Drury-lane, victualler.
 Margaret Hurst, wife of the said William Hurst.
 William Jones, 32, Old Compton-street, St Giles's, belonging to the public-office in Bow-street.
 Francis Kinnersley, Hanover-court, Houndsditch, beadle of St. Botolph.
 Jas. Kinsley, Dean-street, Fetter-lane, dealer in marine-stores.
 Mary Kinsley, wife of the said Jas. Kinsley.
 Stephen Lavender, 40, Long-acre,

constable, belonging to the public-office in Bow-street.
 George Lidyard, Angel-court, Skinner-street, hair-dresser;
 George Lewis, Pump-court, Bell-alley, Golden-lane, hackney-coachman.
 John Limbrick, Church-row, St. Pancras, constable to the Hatton-garden office.
 Henry Charles Litchfield, John-st, Bedford-row, barrister-at-law, and solicitor for the affairs of the Treasury.
 Elijah Litchfield, abiding at the house of the said Henry Charles Litchfield, and clerk to the said solicitor.
 Thomas Main, of the Tower of London, yeoman-warder.
 Thomas Makins, Pleasant-row, Shoreditch, dyer.
 John Malpass, 2, Falcon-court, Shoe-lane, cutler.
 Samuel Mason, 14, Fitzroy-row, New-road, patrol belonging to Bow-street.
 Henry Maudsley, Westminster-road, Lambeth, engineer.
 Thomas Mayhew, Willstead-street, Somers'-Town, shopkeeper, and patrol belonging to Bow-street.
 George Mayne, iron factory, Westminster-road, smith.
 Richard Robinson Merrett, Christopher-court, Tower-hill, accountant.
 James Mickle, of the Wharf in the Tower of London, assistant-clerk of the works in the ordnance department.
 Charles Miell, Tomes-court, Somers'-Town, patrol of Bow-street.
 John Middleton, Skinner-street, stationer.
 Thomas Miles, Paragon-place, Walworth, yeoman-warder.
 William Miller, 7, Rose-court, East-smithfield, mariner.
 William Mills, Judd-street, Brunswick-square, gun-maker.
 Robert Moggridge, Skinner-street, Somers'-town, tailor, now a prisoner in Tothill-fields, Bridewell.
 John Monkhouse, Spa-fields, victualler.
 Samuel Moore, abiding at Walter Cosser's, timber-merchant, Millbank-street, Westminster, clerk to the said Walter Cosser.

- William Mortimer, a soldier in the 2d or Coldstream foot-guards.
 Moss Moses, Rosemary-lane, clothes-salesman.
 James Munro, Oakley-street, Lambeth, mathematical instrument-maker.
 Charles Nailor, 28, Old Pye-street, Westminster, labourer.
 Atten Nelson, 6, King-street, Soho, tailor.
 John Newton, Long Acre, victualler.
 William Nichols, Paradise-row, Palmer's Village, patrol, Bow-street.
 William Onion, St. Luke's Head public-house, Church-lane, St. Martin, hackney-coach-waterman.
 Thomas Osborn, plumber and glazier, 26, Moor-street, Edgeware-road.
 William Osborn, labourer to John Britten, James-st. Lisson-green.
 John Oxenham, iron-factory, opposite the Asylum, Westminster-road, smith.
 Charles Pearce, Woburn-street, Drury-lane, servant to William Hurst, victualler.
 John Pearks, Castle-street, Long-Acre, constable to the public-office in Bow-street.
 John Robert Pimm, Mount-row, Lambeth, baker.
 Richard Platt, Peckford-place, Brixton-Wash, Surrey, hosier.
 Thomas Potts, Minorities, gun-maker.
 John Powell, Princes-street, Ratcliffe-highway, yeoman.
 Henry Baldwin Raven, Caroline-place, Little Chelsea, clerk to the solicitor for affairs of his majesty's treasury.
 Robert Raynsford, Howland-street, esq. one of the justices at the public-office Hatton-garden.
 Thomas Rea, Mason's-court, Goodman's-fields, gun-maker.
 Charlotte Reynolds, New Norfolk-street, Park-lane, victualler.
 Joseph Rhodes, 17, Queen-street, Soho, painter.
 John Richardson, Horsemonger-lane, showman.
 John Roberts, Skinner-street, apprentice to the before-named W. A. Beckwith.
 Thomas Robertson, a soldier in the 2d or Coldstream regiment.
 John Robinson, Slaughter-street, Spitalfields, victualler.
 George Roberts, John-street, Commercial-road, yeoman.
 George Ruthven, Holles-street, Claremarket, Bow-street officer.
 Frederick William Rutledge, Lucas-street, Commercial-road, custom-house agent.
 William Salmon, High Holborn, patrol belonging to Bow-street.
 Henry Saxilby, Albion-street, Kent-road, yeoman-warder.
 James Seabrook, Star-alley, Fenchurch-street, tailor.
 Maria Seabrook, wife of the said James Seabrook.
 Arthur Seal, Tottenham-court-road, printer.
 Sir James Shaw, America-square, bart. alderman.
 Charles Sheerman, Black Bird-alley, Spicer-street, Mile-end New-town, weaver.
 Charles Sheerman, jun. of the same place, weaver.
 John Sheffield, Crown-street, Bishopsgate, cooper.
 Robert Sheppard, London-street, Fitzroy-square, yeoman.
 James Skinner, Suffolk-Mews, Middlesex-hospital, shoemaker.
 T. Smeed, Lisson-street, Marylebone, victualler.
 Barbara Smeed, wife of the said T. Smeed.
 James J. Smith, 37, Bow-street, patrol belonging to the office.
 T. Smith, 30, Hyde-street, Bloomsbury, cane-worker.
 Frances Smith, wife of the said T. Smith.
 W. Smith, 33, Bow-street, Covent-garden, one of the patrol.
 W. Smith, Pleasant-row, William-street, Shoreditch, shoemaker.
 J. Spicer, 1, Bates-row, Lisson-green, plasterer.
 T. Stacy, whitesmith, at the house of Mr. Graves, in Queen-street, Camden-town.
 John Stafford, Bow-street, chief clerk of the public-office.
 R. Statham, soldier in the 2d or Coldstream regiment of guards.
 R. Stephens, turnkey, Giltspur-street Compter.
 Thomas Storer, Fetter-lane, printer.
 Jos. Street, at the Duke of York public house, in John-street, North, New-road, labourer.
 Griffin Swanson, West-street, Som-

- ers'-town, clerk to the solicitor for the affairs of his majesty's treasury.
- Samuel Hercules Taunton, Duke-street, Lincoln's-inn-fields, constable belonging to Bow-street.
- Ann Taylor, 113, Houndsditch, single woman.
- Thomas Taylor, Houndsditch, whitesmith.
- James Thompson, 30, Clement's-lane, bill-sticker.
- Joseph Thompson, Fetter-lane, victualler.
- William Thompson, same place, son of the said J. Thompson.
- Samuel Thompson, Holborn-hill, victualler.
- David Tulip, Red-lion-court, Drury-lane, bill-sticker.
- William Tull, Old Mint, clerk in the ordnance department.
- Thomas Turner, Catharine-street, Strand, printer.
- William Underwood, Manor-place, Walworth, yeoman.
- James Robert St. John Walsh, Queen-street, in Milton-next-Gravesend, inspector of aliens.
- William Ware, Orchard-street, Westminster, whitesmith.
- William Warren, Black Lion Tavern, Water-lane, waiter.
- Robert Watson, 19, Hyde-street, Bloomsbury, gold-lapper.
- John Weeks, Belvidere-place, King's bench, broom-maker.
- William West, Wych-street, Saint Clement Dances, wire-worker.
- Henry, Wheatley, Horseferry-road, Westminster, victualler.
- Mary Wheatley, daughter of the said Henry Wheatley.
- John Vickery, St. John-street, Clerk-enwell, constable, belonging to Bow-street.
- Edward White, Swan-yard, Bishop's-gate-street, coachmaster.
- William Bailey White, Newcastle-street, Strand, linen-draper.
- Henry Whitfeld, Grange-court, Carey-st. clerk in the stamp-office.
- William Winkfield, Long Acre, victualler.
- George Wiggins, Holborn-place, Holborn-bridge, copper-plate-printer.
- John Wilson, a soldier in the 1st regiment of life-guards, in Knights-bridge barracks.
- Fred. Windemude, Horseferry-road, Westminster, cow-keeper.
- Henry Windus, Brunswick-place, Ball's Pond Road, wine-merchant.
- George Haslewood Worrel, Giltspur-street, tobacconist.
- Matthew Wood, of the Mansion-house, in the city of London, esq. hop-merchant, and lord-mayor of the said city.
- Thomas Wood, Elizabeth-place, Ball's-pond-road, gentleman.
- Edward Wright, Drury-lane, pin-maker.
- John Wright, East Smithfield, victualler.
- Ann Wright, wife of the said J. Wright.
- Thomas Yates, Camden-town, warden of the Tower.
- Thomas John Yeomans, Horseferry-road, Westminster, servant of the before named F. Windemude.
- John Youres, Brewer-street, Westminster, king's messenger.

Court of King's Bench.

Saturday, May 17, 1817.—The prisoners were this morning brought from the Tower, for the purpose of being arraigned on the bill of indictment found against them by the grand jury.

On Friday, the 16th, a regular notice was delivered to each prisoner, of his intended removal—a copy of the indictment, together with lists of the jury, and of the witnesses subpoenaed on their trial, having been previously furnished them. Notice was also given to Sir Nathaniel

Conant of the proceeding, and that gentleman went to the Tower to make the necessary arrangements for the safe conveyance of the prisoners. In order to prevent an assemblage of idle spectators, the subject was not publicly mentioned,

A writ of *habeas corpus*, calling upon the Governor of the Tower, or his deputy, to bring the bodies of the prisoners to his majesty's court of King's Bench was delivered by the proper officer to Major Elrington, the Deputy-governor of the Tower; and every thing being in readiness, at nine o'clock, Watson, the elder, was brought down from his apartment, and delivered by the deputy-governor to the care of two yeomen, and Vickery and Nicholls, two Bow-street officers. They all took their places in a hackney-coach, and were immediately driven off. Hooper, after a short interval, was, in like manner, delivered to two yeomen, and Perry and Smith, two other peace-officers. Preston was attended by two yeomen, and Atkins and Salmon; and Thistlewood by two yeomen, and William Smith and Stephen Lavender; each prisoner was put into a separate hackney-coach. They set off shortly after each other, and the coaches shaping their course over London-bridge, proceeded through the Borough, by that road to Westminster-bridge, and thence to the door of the grand jury-room, in Palace-yard, where they alighted. They were not suffered to have any personal intercourse with each other.

At half-past ten, the judges having taken their seats on the bench, the attorney-general addressed the Court as follows:—"My Lords, there are four persons, Arthur Thistlewood, James Watson the elder, Thomas Preston, and John Hooper, in attendance, to be brought before your lordships under a *habeas corpus*, which has been moved to bring them up."

Directions were then given to bring the prisoners into Court. In a few minutes they entered. Hooper came first, and was followed by Thistlewood, Watson, and Preston. They were attended by yeomen, who stood on each side of them, attired in their proper costume, wearing their hats.—The prisoners seemed much pleased at the opportunity of an interview. Watson and Hooper cordially shook hands with each other, and Preston shook hands with Watson, who was next him, and bowed, waving his hand to the other two.—Watson was genteelly dressed in black, and wore an eye-glass; he appeared

pale.—Thistlewood had on a sailor's jacket and trowsers, a light waistcoat, and a red neckerchief.—Preston had on a greyish-brown-coloured coat and a buff waistcoat, and appeared perfectly unconcerned during the whole proceedings.—Hooper was dressed in a grey great-coat, claret-coloured body-coat, with metal buttons, and a black waistcoat;—they all looked well, and seemed to have experienced no ill effects, in point of bodily health, from their imprisonment.

The prisoners having been placed at the bar of the Court, the attorney-general moved that the return of the Marquis of Hastings, the Governor of the Tower, might be read.

Mr. Dealtry, the clerk of the crown, immediately read the return, which contained copies of the warrants of the privy-council, upon which the prisoners were delivered to his safe custody.

The Attorney-general.—“ I move that this return be filed.”

Lord Ellenborough.—“ Be it so.”

Lord Ellenborough then addressed the prisoners as follows:—“ Prisoners (repeating their names) would all, or any of you, wish or desire to have counsel assigned to you? Thistlewood, would you?”—Prisoner Thistlewood. “ Certainly, my lord.”

Lord Ellenborough.—“ Would you name him now, or would you wish to have until Monday or Tuesday to name him?”—Thistlewood. “ My lord, I have not made up my mind yet.”

Lord Ellenborough.—“ Very well. James Watson, the elder, would you wish to have counsel assigned to you?”—Watson. “ My lord, I certainly wish for counsel; but I have not made up my mind at present.”

Lord Ellenborough.—“ Thomas Preston, will you have counsel assigned to you now, or will you have time to consider of it?”—Preston. “ The gentlemen who have preceded me, my lord, have expressed my sentiments on the subject.”

Lord Ellenborough.—“ Very well:—Richard Hooper, will you have counsel assigned now?”—Hooper. “ I wish for counsel, my lord, but I have not decided yet whom to have. If not improper, I should wish to have the liberty of considering for a few days.”

Lord Ellenborough.—“ Then the Court is to understand that you all wish to have counsel assigned, but you have not yet decided who?”

Prisoners.—“Yes.”

Watson.—“If it will not be considered improper, I should wish to ask a question. If counsel should be assigned us by the Court, I wish to know whether we shall be allowed to speak in our defence, as well as our counsel?”

After their lordships had consulted for some time, the prisoner was answered as follows:—

Lord Ellenborough.—“You will not be restrained from addressing any thing to the Court and jury that you think of importance for your defence; and you may intimate to the Court, hereafter, or to any single judge at chambers, who the counsel may be that you prefer.”

Watson.—“Am I to understand your lordship, that if my counsel goes into any discussion on the evidence, I shall still have the privilege of addressing the jury?”

Lord Ellenborough.—“We cannot enter into any discussion of this subject now.—You will not be restrained from saying any thing that shall be expedient and necessary for your defence.”

The Attorney-general.—“I move that the prisoners be arraigned upon the offences alleged against them.”

Mr. Dealtry now proceeded to read the Indictment as follows:—

THE INDICTMENT.

First Count—Is for compassing and imagining to put the king to death. After giving the names and descriptions of the persons charged, and the usual technical introduction, it proceeds to state, that, on the first day of November last, and on divers other days and times before and after, at the parish of St. James, Clerkenwell, these persons, together with others unknown, “did compass, imagine, and intend to move and excite insurrection, rebellion, and war, against the king, within the kingdom; and to subvert and alter the legislature, rule, and government, now duly and happily established within the kingdom; and to bring and put our said lord the king to death.” After this general averment of the traitorous intention, the indictment goes on to specify fourteen different overt-acts, as indicative of that intention.

1. The first is as follows:—“To fulfil, perfect, and bring to effect, their most evil and wicked treason, and treasonable compassing and imagination aforesaid, they the said, &c. (naming them all) as such false traitors as

aforesaid, on the said first day of November, in the fifty-seventh year of the reign aforesaid, and on divers other days and times, as well before as after, with force and arms, at the said parish of St. James, Clerkenwell, in the said county of Middlesex, maliciously and traitorously did assemble, meet, conspire, and consult among themselves, and together with divers other false traitors, whose names are to the jurors unknown, to devise, arrange, and mature plans and means to subvert the constitution and government of this realm, as by law established; and to deprive and depose our said lord the king, of and from the style, honour, and kingly name of the imperial crown of this realm.

2. (And farther to fulfil, &c. &c. as before,) the said traitors, &c. on &c. aforesaid, at, &c. aforesaid, maliciously and traitorously did assemble; meet, conspire, consult, &c. to stir up, rise, make, and levy, insurrection, rebellion, and war, against our said lord the king, within this realm, and to subvert and destroy the constitution and government of this realm, as by law established.

3. (And farther to fulfil, &c. as before) the said traitors, &c. &c. did assemble, meet, conspire, consult, and agree, (&c. as before) to attack and seize upon the Bank of England, and the king's Tower of London, and to seize and take possession of divers ordnance, weapons, arms, and ammunition, to arm themselves and other false traitors; and to attack, fight with, kill, and destroy, the soldiers, troops, and forces of our said lord the king, and other his liege and faithful subjects, and to raise, levy, and make, insurrection, rebellion, and war, against our said lord the king, within this realm, and to subvert and destroy the government and constitution of this realm, as by law established.

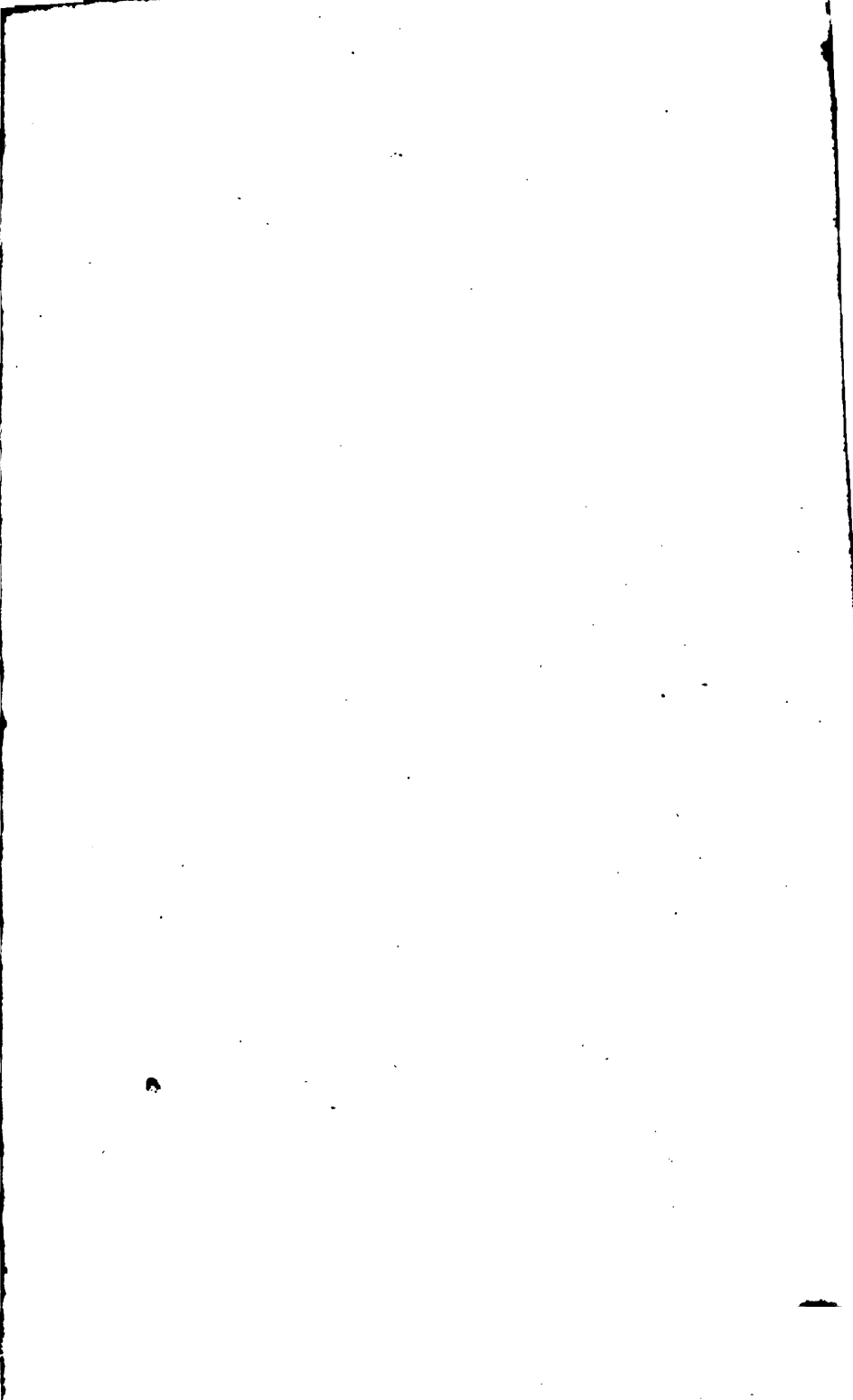
4. (And farther to fulfil, &c.) the said traitors, &c. &c. did conspire, consult, agree, attempt, and endeavour, to seduce divers soldiers serving in the land-forces of our said lord the king, and also divers other liege subjects of the king, from their duty and allegiance to the king, and to move, persuade, and procure, the same, and other soldiers and subjects of the king, to associate and join themselves with, and be aiding and assisting to them, the said prisoners, and divers other false traitors, in a wicked and traitorous attempt by them, the said prisoners, to be made to subvert and destroy the government and constitution of the realm, as by law established.

5. (And farther to fulfil, &c.) they the said traitors, &c. &c. did give orders to a certain person, to wit, one Isaac Bently, to manufacture and provide divers, to wit, 250 iron pike-heads; and did purchase and receive of and from the said last-mentioned person, the said iron pike-heads, with intent therewith to form pikes, and with such pikes to arm themselves and divers other false traitors, in order to attack, fight with, kill, and destroy, the soldiers, troops, and forces, of the king, and other his liege and faithful subjects, and to raise, make, and levy, insurrection, rebellion, and war, against the king, within this realm; and to subvert and destroy the constitution and government of this realm, as by law established.

6. (And farther to fulfil, &c.) the said traitors, &c. &c. did purchase, procure, provide, and have divers large quantities of arms, to wit, swords and pistols, and divers large quantities of ammunition, to wit, gunpowder, leaden-bullets, and slugs; and also divers flags, banners, and ensigns; with intent therewith to arm and array themselves, and divers other false traitors, in order to attack, fight with, kill, and destroy, the soldiers, troops, and forces, of the king, and other his liege and faithful subjects; and to raise, make, and levy, insurrection, rebellion, and war, against the king, within this realm; and to subvert and destroy the constitution and government of this realm, as by law established.

7. (And farther to fulfil, &c.) they the said traitors, &c. did conspire and agree amongst themselves, and together with divers other false traitors unknown, to set fire to, burn, and destroy, divers barracks of the king, used for the reception and residence of the soldiers, troops, and forces, of the king, in this realm, and to provide and prepare combustibles and materials, to wit, tar, pitch, sulphur, resin, spirits of wine, tallow, and turpentine, for the purpose of setting fire to, burning, and destroying the said barracks.

8. (And farther to fulfil, &c.) they the said traitors, &c. maliciously and traitorously did make a proposal to, and treaty with, and cause and procure a proposal and treaty to be made, and had, to and with a certain person, to wit, one Walter Cosser, concerning and for the hire of a certain house, and did then and there, by such proposal and treaty, endeavour to obtain and hire the said house, for the purpose of depositing and keeping the said com-





THOMAS PRESTON.

From an Original Drawing taken expressly for this Work.

Pub^d by W. Lewis, St. John's Square, June, 1817.

bustibles before-mentioned, with intent to use the same in and for the setting fire to, burning, and destroying of certain barracks of the king, as aforesaid.

9. (And farther to fulfil, &c.) they the said traitors, &c. did conspire to procure, and did, by advertisements in the public newspapers, and by placards and handbills, and by divers other ways and means, invite divers and very large numbers of the liege subjects of the king to assemble and meet together on divers days and times, in a certain place commonly called Spafields, with intent that divers of them, the said prisoners, and other false traitors, might make and utter, in the presence and hearing of the subjects of the king, to be so there assembled, seditious, inflammatory, and treasonable speeches and harangues, and thereby move, excite, cause and procure, the said subjects to raise, make, and levy, insurrection, rebellion, and war, against the king, within this realm.

10. (And farther to fulfil, &c.) they the said traitors, &c. did make applications and proposals to, and treat with, and cause and procure applications, proposals, and treaties to be made and had to and with divers persons, to wit, one William Duke, one John Richardson, and one Frederick Windermude, concerning, and for the hire of certain waggons, stages, platforms, and other machines, to be conveyed to the aforesaid place, commonly called Spafields, and there to be used for the purpose that divers of them (the said prisoners,) and other false traitors, should thereupon, and therefrom, make and utter seditious, inflammatory, and treasonable speeches and harangues, to divers subjects of the king, then to be assembled, in order thereby to move, excite, cause, and procure, the same subjects to raise, make, and levy insurrection and war against the king.

11. (And farther to fulfil, &c.) they the said traitors, &c. did treat for, hire, and engage a certain waggon, and drivers, to wit, two horses; and afterwards, on the 2d of December, did provide, and caused to be placed in the same waggon, divers large quantities of ammunition, to wit, gunpowder, shot, leaden bullets, and slugs, and divers flags, banners, and ensigns: and did cause the same waggon, with the said ammunition, and the said flags, banners, and ensigns, to be drawn to the aforesaid place, called Spafields, and did provide divers ribbands, and cockades; and did ascend and get into the same waggon, and did exhibit and display to great numbers,

to wit, five thousand, and more, of the subjects of the king there then being, the said banners, ribbands, and cockades; and the said J. Watson the elder, and the said J. Watson the younger, with force and arms maliciously and traitorously did then and there respectively make, and with loud voices utter to and in the presence and hearing of the said subjects of the king, so then there being, seditious, inflammatory, and treasonable speeches and harangues; and the said J. Watson the younger, with force and arms, maliciously and traitorously, did then and there seize and take into his hands one of the said flags, and did call upon and invite the said subjects of our lord the king, so then there being, to follow him the said J. Watson the younger; they the said prisoners (all of them) then and there meaning and intending, by means of the several premises aforesaid, to move, excite, cause and procure, the said subjects of the king so there then being, to raise, make, and levy insurrection, rebellion, and war against the king within this realm, and to subvert and destroy the constitution and government of this realm, as by law established.

12. (And farther to fulfil, &c.) they the said traitors, &c. on the 2d of December aforesaid, at the place aforesaid, &c. with one thousand and more unknown subjects of the king, then and there assembled, with flags, banners, and ensigns, ribbands and cockades, and also with divers offensive weapons, to wit, swords, guns, pistols, sticks, and staves, did parade and march with great noise and violence through divers public streets and highways, and in the said public streets and highways did brandish and exhibit the said swords and other offensive weapons, and fire off and discharge the said guns and pistols, and did attack and beset the houses and shops of divers gunsmiths and dealers in arms, and did seize and take divers large quantities of arms, to wit, swords, guns, and pistols, with intent, by and with the said last-mentioned arms, further to arm themselves and other false traitors, in order to attack, fight with, kill, and destroy the soldiers, troops, and forces of the king, and other his liege and faithful subjects, and to raise, make, and levy insurrection, rebellion, and war against the king, within this realm, and thereby to subvert and destroy the constitution and government of this realm, as by law established.

13. (And further to fulfil, &c.) they the said traitors,

&c. on the day last-mentioned, &c. with force and arms, &c. did proceed, with divers other false traitors unknown, to the king's Tower of London, and did with loud voice address certain soldiers serving in the land-forces of our lord the king, then being stationed in the said Tower, and did invite and endeavour to seduce the same soldiers to open the gates of the said Tower, and to admit divers of the said false traitors into the said Tower, in order that the said last-mentioned false traitors might enter into the said Tower and take possession thereof, and of the ordnance, stores, arms, and ammunition, therein deposited, and to associate and join themselves, the said soldiers, with, and be aiding and assisting to them the said prisoners, in a wicked and traitorous attempt to subvert and destroy the government and constitution of this realm, as by law established.

14. (And farther to fulfil, &c.) they the said traitors, &c. on the day last-mentioned, &c. together with a great multitude of false traitors unknown, to the amount of 1000 and more, armed and arrayed in a warlike manner, that is to say, with flags, banners, ensigns, swords, pistols, clubs, bludgeons, and other weapons, maliciously and traitorously did ordain, prepare, levy, and make public war against our said king, within this realm, in contempt of the king and his laws, to the evil example of all others, contrary to the duty and the allegiance of them, the said prisoners, against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity.

Second Count.—This count is for compassing and imagining to depose the king, or, as it is more fully expressed in the language of the indictment, “for maliciously and traitorously compassing, imagining, inventing, devising, and intending to deprive and depose our lord the king of and from the style, honor, and kingly name of the imperial crown of this realm;” and this said compassing, imagination, invention, device and intention is said to have been expressed, uttered, and declared, by divers overt-acts and deeds in the said count after-mentioned. The fourteen overt-acts described in the first count are then repeated in the same words, without the slightest variation.

Third Count.—This count is short and comprehensive, for it embraces many of the facts scattered through the other counts, compressed into one substantive form: the charge thus briefly and comprehensively expressed is called *levying war*.

Fourth Count.—This count for conspiring to levy war against the king, in order to compel him to change his measure, that is, in the technical language, “for compassing, imagining, inventing, devising, and intending to levy war against our said lord the king within this realm, in order, by force and constraint, to compel him to change his measures and counsels; and the said compassing, imagination, invention, device, and intention, described as: having been expressed, uttered, and declared, by divers overt-acts and deeds in the said count mentioned. The statements of the acts then follow, precisely in the words of the 1st and 2d counts, and the indictment ends with the usual conclusion of “against the form of the statute, and the peace of the king, his crown, and dignity.”

During the reading of the indictment, which occupied nearly an hour and a half, the prisoners Thistlewood and Watson were in deep conversation, and some notes passed between the latter and Mr. Harmer, their solicitor, who was in Court.

At the conclusion of the reading of the indictment, each prisoner, (beginning with Thistlewood, and ending with Hooper) was called by name, and asked “if they were guilty of the premises charged in the indictment, or not guilty.”

They all answered “Not guilty.”

Mr. Dealtry.—“How will you be tried?”

Prisoners.—“By God and our country.”

Mr. Dealtry.—“God send you a good deliverance.”

Mr. Dealtry now addressed the prisoners, and asked them all separately, if they had received copies of the bill of indictment and lists of the jury and witnesses.

The prisoners answered in the affirmative.

The Attorney-general.—“I am now to move your lordships to appoint a day for the trial of the prisoners, Any day which is most convenient for your lordships in the early part of next term.”

Lord Ellenborough.—“The prisoners will understand that they may apply, through the medium of their solicitor, to any judge at chambers to name the counsel they wish to have; and, Mr. Attorney-general, it has occurred to the Court, that Monday, the 9th of June, will probably be a convenient day for the trial. The Court therefore appoint that day at nine o'clock in the morning.”

The Attorney-general.—“My Lord, I have now to move that the prisoners be remanded to the Tower.”

Lord Ellenborough.—“Let them be remanded.”

The prisoners were then conducted out of Court, and separately conveyed back to the Tower. During the whole proceedings they conducted themselves with the greatest propriety and decorum.

On Monday, May 19th, Dr. Watson, on behalf of himself and the other defendants, addressed the following letter to Lord Sidmouth :—

“*To Viscount Lord Sidmouth.*

“*Tower, May 19, 1817.*

“MY LORD—I am desirous to inform your lordship, that I shall have occasion to subpoena several witnesses to be in readiness to be called upon as evidences on my trial ; but not having the pecuniary means to defray the expences consequent upon their attendance, and of bringing up three or four a considerable distance from London, I beseech your lordship will lay the same before the honorable the privy-council, that they may take the same into their consideration, and graciously be pleased to afford me such relief as is consonant with the true spirit of justice, and the liberality of the British government. I beg your lordship will also lay before the honorable the privy-council my total inability to defray the expense attending retaining counsel and paying my solicitor’s charges ; that they may also take this graciously into their consideration for the same purpose ; but I could wish your lordship will condescend to inform the honorable the privy-council, I do not intend to place myself in the extremity of pleading in *forma pauperis*, and I hope they will not wish to reduce me to that condition:

“I beg leave farther to trespass upon your lordship, to inform your lordship that my fellow-prisoners expressed their desire to me in Court, on Saturday, that I would ask of the honorable the privy-council that we may, for our own preservation, be permitted to hold an occasional confidential communication, now that we have been arraigned, and evidence collected against us—the propriety of this privilege I fear will not meet the concurrence of the honorable the privy-council, but, having passed my word to make the request, I must leave it for the honorable the privy-council to determine ; under the impression that all the indulgence will be granted that the nature of our cause will admit.

“I am, &c.

5

JAMES WATSON.”

The next day Mr. J. H. Addington sent a letter to the deputy-lieutenant of the Tower, directing him to acquaint Mr. Watson, that Lord Sidmouth had communicated his request to the privy-council, who were of opinion, "that they would not be justified in advising a grant of pecuniary assistance to persons charged with crimes against the state, to enable them to provide for their defence, except recommending, that they should be furnished with subpoenas for their witnesses; and that, as to the wish experienced by J. Watson, on his behalf, and that of his fellow-prisoners, to have private confidential communication with each other, it could not be complied with."

The prisoners have not been allowed to hold any intercourse together since their confinement, except through the medium of their solicitors.

THE TRIAL, &c.

Court of King's Bench, Westminster.

MONDAY, JUNE 9.

THE KING V. ARTHUR THISTLEWOOD, JAMES WATSON THE ELDER, THOMAS PRESTON, AND JOHN HOOPER.

This being the day appointed for the commencement of the trials of the above-named prisoners, every necessary arrangement for the proceedings was completed on Saturday night. During the whole of the last week, the ushers and officers of the Court of King's Bench had been assailed by persons from all quarters, and of all ranks, requiring to be accommodated with seats in court during the trials. From the limited space which the Court affords for the convenience of mere auditors, however, these applications in the great majority of instances were of no avail; and even persons of the highest distinction were informed that all hope of admission was fruitless.

In order to prevent confusion, and to secure the preservation of the peace, the high-bailiff had summoned the whole of the constables of Westminster, who were in attendance. A strong body of Bow-street officers were

also on the spot, and to these were added the officers of the sheriffs, who were stationed in the interior of the hall. Several troops of horse were likewise on duty in the neighbourhood, in readiness to act in the event of the civil force being insufficient.

As the courts of chancery, of common pleas, and of exchequer were sitting, it was impossible to exclude all persons who might demand admission to the hall at the usual hour of business; with a view to avoid the pressure of such persons, therefore, a strong wooden bar was erected from the steps of the king's bench office to the steps of the King's Bench Court, in front of which a line of constables was stationed, who were ordered to prevent the passage of any individual not duly authorized. Thus every prudent precaution was taken to prevent interruption to the proceedings of the day.

The witnesses, on their arrival, were conducted to the grand jury-room, opposite St. Margaret's church, and the jury to the court of chancery, where they remained till the sitting of the Court.

While the officers of the crown were thus attentive to the performance of their duty, the solicitor of the prisoners, Mr. Harmer, and their friends, were not less exertive in their arrangements: and inquiries were set on foot as to the character and principles of the jurymen summoned.

Mr. Wetherall and Mr. Serjeant Copley are appointed counsel for Watson and Thistlewood.—Mr. Holt and Mr. Starkie for Hooper; and Mr. Lawes and Mr. Rigby for Preston.

Soon after seven, Sir Nathaniel Conant arrived at the Tower, having been preceded by several Bow-street officers. A troop of life-guards was likewise in attendance.

At eight o'clock the prisoners were brought down from their rooms, and placed in glass-coaches, attended by sixteen yeomen. Every thing being in readiness, the coaches were driven off under a strong escort of horse-guards, taking the course pursued on the former occasion, over London-bridge, and by the Westminster-road to Palace-yard. On their arrival at the door of the grand jury-room, the horse-guards cleared away the crowd which was assembled, and the prisoners alighted, and were immediately conducted through the vaulted passages to the Court.

At twenty minutes to nine o'clock, Watson was ushered

into Court by a party of yeomen of the guard. He was dressed in a suit of black, and carried under his right arm a bundle of papers; he bowed respectfully to the Court, and took his seat immediately behind the bar.

The captain of the yeomen, or gentleman gaoler, and the lieutenant of the Tower, took their seats to the left of Watson. Preston was next ushered into Court, attended by another party of yeomen of the guards; he was also dressed in black; he appeared cheerful, and cordially shook hands with Watson. A party of yeomanry also escorted Hooper, who next made his appearance, and was dressed in black; he also shook hands with Watson and the rest. Thistlewood came in last; he looked ill; was dressed in a sailor's jacket and trowsers, and wore a black handkerchief. He manifested a great anxiety to speak to Watson, and on his approach to him shook him heartily by the hand.

Before the proceedings commenced, the prisoners frequently conversed together.

Precisely at nine o'clock the Attorney-general entered the Court.

At a quarter-past nine o'clock, Lord Ellenborough, Mr. Justice Bayley, Mr. Justice Abbot, and Mr. Justice Holroyd, entered the Court; and on the Court taking its seat, Mr. Serjeant Copley immediately rose, and addressed their lordships as follows:—My lords, I humbly request your lordships to be pleased to give some directions, so that the counsel for the prisoners may be enabled to discharge their duties.

Lord Ellenborough.—What is it, sir, that you wish to be done?

Mr. Serjeant Copley.—My lord, I have to request that you will order some of the guard to withdraw, as we have not room at present to act.

Lord Ellenborough then desired the officers of the Court to see what arrangement could be made; and, in consequence, twelve of the guard were removed out of Court.

The Attorney-general said, he understood that the prisoners intended to challenge several of the pannel: he should, on the part of the crown, claim that the prisoners be tried separately; and he should now state, that he should first put Mr. James Watson the elder on his trial. It would still be necessary that the other prisoners should remain in Court, but they could retire into the second row.

This would afford that room and accommodation to his learned Brother Copley which he desired.

The arrangement was accordingly made: Thistlewood, Hooper, and Preston withdrew into the second row; while Watson remained in the front row, with Major Elrington and a yeoman of the guard on one side of him; his counsel on the other, and several other yeomen around him.

Mr. Barlow, secondary of the crown-office, then proceeded to call over the panel: several applications were made by individuals to be excused attending, on the plea of ill-health, and other causes.

The following jury were at length sworn:—

THOMAS ALLMAN, of Prince's-street, Conduit-street, bookseller.
 ROBERT NORTON, of Pickett-street, Temple-bar, button-maker.
 JOHN TOMLINSON, of Bedfordbury, woollen-draper.
 PETER RICHARDSON, of Charing-cross, lottery-office-keeper.
 JOHN BRYANT, of Wapping-street, anchor-smith.
 SAMUEL KELL, of Red-lion-street, carpenter and undertaker.
 RICHARD RAMSDEN, of Brook-street, Holborn, capillaire-maker.
 WILLIAM PHILLIPS, of Holborn, ironmonger.
 THOMAS WILKES BARKER, gent. of Kirby-street, Hatton-garden.
 RICHARD PERKINS, of Red-lion-street, Holborn, shoe-maker.
 WILLIAM HACKBLOK, of Holywell-street, Shoreditch, carrier.
 SAMUEL KNIGHT, of High-street, Norton-falgate, druggist.

The following challenges were made:—

By the Solicitor-general, for the crown.

ROBERT DURHAM, of Mill-street, Conduit-street, carpenter.
 THOMAS BOOTS, sen. of Leicester-square, grocer.
 THOMAS HACKER, of Goswell-street, builder.
 DANIEL GARDNER, of Chiswell-street, hatter.
 SAMUEL FISH, of St. John-street, tobacconist.
 WILLIAM PHILPOT, of Holborn, linen-draper.
 JOHN DIXON, of Hatton-garden, baker.
 JOEL EDWARDS, of Greville-street, Hatton-garden, tailor.
 CHRISTOPHER SCOTT, of Brownlow-street, tailor.
 JAMES WILLIAM BROOKS, of the Strand, glass-merchant.
 ROBERT HORSMAN SOLLEY, of Lincoln's-inn, gent.
 SAMUEL ROOMER, of Red-lion-street, appraiser.
 SAMUEL ROBERTS, gent.
 CHARLES BAXTER, of Red-lion-passage, Red-lion-street, porkman.
 JOHN PITTARD, Church-street, Christchurch, paper-manufacturer.
 JOHN EDGER, of Christ Church, weaver.
 EVAN JONES, Brown's-lane, Christchurch, grocer.
 ROBERT CONYERS, of Holywell-street, Shoreditch, ironmonger, dealer in marine stores.
 THOMAS TITTERTON, Holywell-street, coach-maker.

By Mr. Wetherall, on the part of the prisoner.

JOHN TURNER, of New Bond-street, jeweller.
 CHARLES ADY, of Goswell-street, water-gilder.

GEORGE ALLEN, of Banner-street, St. Luke's, brass-founder.
 JOHN LANE, of Thornhaugh-street, Bedford-square, gent.
 JAMES FRAZER, of Wapping-street, biscuit-baker.
 ARTHUR FRENCH, of Wapping-street, ironmonger.
 DANIEL PEPPERILL, of Great Turnstile, tailor.
 JOHN BABCOKE, of Red-lion-street, Holborn, cheesemonger.
 WILLIAM BAYLIS, of Red-lion-street, Holborn, tinman.
 GEORGE MELLISH, of Gray's-inn-lane, grocer.
 THOMAS CORDELL, of Leather-lane, Holborn, gent.
 GEORGE WOODWARD, of Leather-lane, Holborn, turner.
 JOHN CHRISTMAS, of Upper Thornhaugh-street, painter.
 SAMUEL BAKER, of Tottenham-court-road, pork-butcher.
 JOHN PARKER, of the Strand, woollen-drapers.
 WILLIAM ROBERT BURGESS, of the Strand, oil-man.
 SAMUEL PAGE, of Doughty-street, gent.
 JOHN THOMPSON, of Newman-street, Oxford-street, auctioneer.
 JOHN HEATH, of Queen-square, merchant.
 JOHN BEST, of Devonshire-street, coal-merchant.
 GEORGE BOOTH, of Devonshire-street, surveyor.
 SAMUEL POWELL, of Red-lion-street, esq.
 HENRY JACKSON, of Red-lion-passage, boot and shoe-maker.

The jury having been sworn, Mr. Barlow then proceeded to read the indictment (as already given in this work), which charged James Watson the elder, late of Bloomsbury, surgeon, James Watson the younger, Arthur Thistlewood, gentleman, Thomas Preston, cordwainer, and John Hooper, labourer, with having, in the month of November last, traitorously conspired against our sovereign lord the king and the constitution of the realm.

Before the entire number of jurors was formed, three of them acquainted the court that the question as to their being freeholders of the county of Middlesex had not been put to them, and that they were not in fact such freeholders.

Lord Ellenborough, after looking at the act of the 1st of William and Mary, observed, that the statute was imperative in requiring every jurymen in such cases to be a freeholder. The individuals alluded to were accordingly discharged.

Mr. Harris, the crier of the court, then made proclamation as follows:—"You good men of the county of Middlesex, summoned here this day to try the cause between our sovereign lord the king and James Watson the elder, the prisoner at the bar, answer to your names."

Other persons were then called on the jury, and, after several challenges on both sides, the number was completed.

Mr. Barlow, the clerk of the crown, charged the jury with the prisoner, and after reading the indictment by which he was accused of high-treason, addressed them in

these words:—"To this indictment the prisoner, James Watson the elder, has pleaded not guilty, and for his trial has put himself upon God and his country, which country you are. Your charge is to inquire whether he be guilty of this high-treason, in manner and form as he stands indicted, or not guilty. If you find him guilty, you shall inquire what goods or chattels, lands or tenements, he had at the time of the said high-treason committed, or at any time since. If you find him not guilty, you shall inquire whether he fled for it. If you find that he did fly for it, you shall inquire of his goods and chattels, as if you had found him guilty. If you find him not guilty, and that he did not fly for it, say so, and no more, and hear your evidence."

Lord Ellenborough inquired whether it was desired by the counsel for the prisoner, as three distinct species of treason were stated in the indictment, and the overt-acts of each were the same, to have them proved repeatedly, or whether the evidence respecting them might be received as equally applicable under each particular head?

Mr. Wetherall signified that he entertained no wish to trouble the Court unnecessarily by a repetition of the same evidence. It was then agreed that the evidence called should be applied only to those counts charging the treasonable matter.

Mr. Shepperd, jun. opened the pleadings, but did not think it necessary to make any observations upon the facts so fully set forth in the indictment.

The Attorney-general then rose, and addressed the Court as follows:—

Gentlemen of the Jury,—You are assembled in that box to perform one of the most important functions that can devolve to men in a state of society. You are assembled to decide upon the guilt or innocence of one of your fellow-subjects, who stands charged with the crime of high-treason—the highest crime that can be committed by man against the society, of which he forms a part; for it strikes at the root of all society—effects a total disorganization of its principles, and breaks up all the comforts and blessings that wait upon man, under the administration of the law. Upon the one hand, gentlemen, you must be desirous to protect the constitution under which you live against any treasonable attempts. You will act upon the principle inseparable from freedom by which this nation is protected, and stand forward to assert and prove your title to the

character which it supports. And on the other hand, you will consider, before you come to a conclusion, that guilt has been established,—you will take care that the charge is made out upon strong, probable, and convincing evidence. I think, gentlemen, that when I have stated and proved the case which I have to offer to your consideration, there can no question arise as to the verdict you will deliver; there will appear no doubt as to the guilt of the prisoner, not only as regards the first, second, third, and fourth counts in the indictment collectively, but as regards them separately and distinctly. There are four charges. The first attributes to the prisoner the compassing and imagining the death of our sovereign lord the king. The second attributes to him the crime of compassing and imagining the deposition of the king. The third, that of levying war, with the above-mentioned objects. And the fourth, that of levying war for the purpose of inducing the king to change the measures of government and the principles of the constitution. The first and third counts are founded upon a statute of Edward III. which states the nature and description of the acts which amounts to high-treason; the second and fourth counts are treated and founded upon the 36th of his present majesty, chapter 7th, which, although in some respects it differs from that of Edward III. does not vary upon any material point, and may be said to be in substance the same. The statute of Edward III. to which I allude, says, in chap. v. sec. 2, “When a man compasses and imagines the death of our sovereign lord the king, or levies war against the king, in his realm.” (Here one of the counsel for the prisoner said, “proveably—”) I read the section from the English translation. It is not my intention to deny the use of any phrase where its adoption can serve a prisoner. If the proof does not exist, then there can be no dispute as to the conduct to be adopted. I say, if it is proved that the person charged commits overt-acts proveably with the object of effecting the death of the King, there can be no dispute as to the criminality. Compassing does not mean, in its ordinary application, effecting an object. It means the intention to effect, and that by overt-acts, and endeavouring to carry the means resorted to into execution; that levying war is an overt-act to compass the death of the king none can deny; for whether the person who levies war has in contemplation the actual death

of the king or not, if his purpose is to destroy the constitution, he is guilty of compassing and imagining the death of the king. Although he should not mean the actual death of the king, still the act he commits is treason against the majesty of the king; and if his object is to destroy the constitution, and he manifests that object by overt-acts, those acts are so many evidences that the death of the king is meditated. If men conspire and consult to levy war, their conspiring and consulting must be overt-acts by which they intend that their plans should be carried into effect. Upon the first count, that of compassing and imagining the death of the king, the indictment states a great variety of overt-acts, the proof of one of which would, accompanied as it is by circumstances which point out the object in the most unequivocal manner, be sufficient to establish the guilt of the prisoner. Standing alone, and wholly destitute of any support from other circumstances, it would be difficult to shew the object with which any particular act is performed, but here is a train of events which were intimately blended with the acts of which the prisoner stood accused; a constant series of operations and contrivances, combined together in such a manner as to prevent the possibility of mistaking the end, and ascribing to them any other than the death of the king. I will state here the overt-acts that are collected from the testimony I shall by and by call. They are those—consulting to depose the king,—conspiring to attack the Bank and the Tower,—conspiring to seduce the soldiers and others from their allegiance,—providing pike-heads for hostile purposes,—conspiring to burn the barracks, with the view of preventing the military from resisting the nefarious efforts of traitors,—hiring a house for the purpose of preparing the combustibles by which the barracks were to have been burnt,—and conspiring to procure meetings at Spa-fields. I will here take the opportunity of making a few comments upon this last accusation. I consider the plan that procured the meetings, of which I have spoken, and which have made so deep an impression upon the minds of the people, as deserving the character of overt-acts of treason upon this ground. Those who conspired to procure them, did so from an object very different from that which they professed. It was not their intention to seek the consent of those whom they assembled together for the purpose of doing what was the

right of Englishmen to do. It was not their object to exercise the right of petitioning parliament for the redress of grievances, of applying to that constitutional mode which formed one of the leading features in the superiority of the government of this country. Their object was to get the passions of the people upon their side; to turn those passions into the instruments of their execrable operations, and upon the pretext of petitioning, to change their dupes into a multitude armed against the authority of the king, and conducted to levy war against him. When acts are done expressly to answer the purpose I attribute to the prisoner, however indifferent they may be under other circumstances, certainly under those they are decidedly overt-acts of treason; parading the streets under a hostile intention; attacking gunsmiths' houses; endeavouring to persuade the soldiers to open the Tower gates, in order that those who used the persuasions might become masters, are acts which, combined together with the great range of operations in evidence against the prisoner, can leave no doubt of the dreadful change that was contemplated.

The second count, which comprehends the compassing and imagining the deposition of the king, is almost the echo of the first; for he who compasses the deposition, certainly compasses the death of the king. Levying war is the assembling together a multitude for a hostile purpose, to procure by force of arms any general object in view. Insurrections to pull down prisons or brothels, in fact, all acts of this description, which arise from a purpose hostile to the tranquillity of the state, are comprehended under the denomination of levying war. It will appear that the object of those, one of whom is now taking his trial for life or death, was against the safety and tranquillity of the state: that it was revolution, and the introduction of disorder and confusion. It has been found necessary to try the prisoners, apprehended upon this charge, separately, in order to avoid the difficulty and confusion necessarily attendant upon the practice of challenging the jury; but it must not be forgotten, in the course of the trial, that that prisoner is named as a conspirator with others, and that his conduct is deeply affected by that of those with whom he conspired.—Although James Watson is alone on his trial, the particulars of the conduct of Thistlewood, Preston, and Hooper, who stand near him, must not be omitted in the consider-

ation of the case. In the matter of inquiry those particulars are not to operate against any other than Watson with respect to your verdict: but their acts are his, and there is no possibility of disjoining them. When men have a plan to put into effect, each takes a part in the operation different from that taken by the other; but if they all act in conjunction and conspiracy together to accomplish their plan, the act of one is the act of all; and if you believe that Watson conspired with Thistlewood and the others to carry into effect that with which the prisoner is charged, it is impossible to separate the guilt of the one from that of the others. I shall, for the purpose of making my view as comprehensible as possible, put an instance; suppose it to be inferred from those circumstances, that a conspiracy to take the Tower of London existed; if one of those who conspired came on one day, and performed some act confirmatory of such intention, and another came on another day, and also made his acts correspondent with the object of seizing upon the Tower, and so on, those separate and apparently distinct acts are considered as the acts of one conspiring mind.

Here the learned gentleman entered into a detailed history of all the circumstances connected with the conspiracy. The principal parties connected in it were Watson, Preston, Hooper, and Thistlewood. Watson had for some time lived in Hyde-street, Bloomsbury: on the 25th, of November, he went and took a lodging at No. 1, Dean-street, Fetter-lane, and it was not certain whether the people belonging to the house in Hyde-street, where he lived, knew of his taking this lodging: from the latter place he went away on the 25th, and did not return to it again. Thistlewood lived in Southampton-buildings, Chancery-lane; and Preston lived in a house in Greystoke-place; the house No. 9, in that place, was his residence; and that was the place to which all references respecting Hooper was to be made. It appeared, then, that up to the 25th of November, Watson resided in Hyde street, and that on the 2d of December his residence was in Dean-street, Fetter-lane. Preston still continued in Greystoke-place; and this would appear to have been a most important spot, so far as regarded the transactions which were to be detailed to the jury. It would appear to have been their constant place of meeting, and that it was, in fact, the head-quarters of the conspiracy. In the month of October, a person named Castle, whom he should call as

a witness, got acquainted with Watson and Preston ; he first met them at one of the meetings of a society which was called the Spenceans ; the place of that meeting was the Cock, in Grafton-street, Soho. It was not his intention to enter into any comments respecting the nature or tendency of these Spencean societies. He should merely observe, that one of their leading principles was—that all exclusive possession in land was unjust and oppressive ; and that all the land of the kingdom ought to be made the common property of the people. It was unnecessary for him to point out the folly or the wickedness of this plan ; however, such must be obvious to every body ; he would merely say, that were it possible to carry so wild a scheme into effect, it would bring about the destruction of all property, and entail misery on the very parties intended to be benefited by it. Another principle maintained by the Spenceans was, that fundholders had no right to the annuities which they received ; so that the whole of these doctrines led directly to one universal system of proscription, and spoliation of property. It was, as he had already observed, at one of the meetings of this society, that the witness, Castle, first became acquainted with Watson. On a subsequent evening they met at another of those societies, which was held at the Mulberry-tree, in Moorfields. It was there he first saw Thistlewood ; and, on that occasion, a sort of intimacy commenced between Castle and Watson. They walked along together from the place, and as they went away, Watson endeavoured to sound him as to his principles ; and when he discovered that they were somewhat similar to his own he began to talk to him about the subversion of the government, and remarked how easily such a thing could be effected, provided the business was well managed. Castle then gave Watson his direction, which was somewhere in or near Gray's Inn-lane. Here Watson called upon him on the 26th of October, and explained to him the object of his visit, which was, to collect together as many of the labouring poor who might be out of employment as they could ; to take advantage of the distresses under which they suffered, and induce them to become instruments for carrying their plan into effect. This was nothing less than that revolution that was to bring about an equal division of the land of the country. At the same time, Watson produced a machine by which the horses of the cavalry might be disabled and destroyed ; and shewed him a plan of the Tower of

London, which was to be one of the objects of their attack. Now, in corroboration of this statement, which should be made by the witness Castle, he should lay before the jury a remarkable piece of evidence. After the affair of the 2d of December last, the lodging of Watson was searched, and in it was found two papers; one of them was a plan of the Tower, and the other was a description of the iron-cat, by which it was intended to disable cavalry from acting. These were the two things shown by Watson to Castle; and these were found at the lodgings of the former. At the interview to which he now alluded, they talked about money and finances; on which occasion Watson said, the parties engaged in the business had money enough. In the course of their conversation, the same day, Watson declared, that nothing but a revolution would be beneficial to the lower classes of the people, or alleviate their sufferings. After this, the parties had frequent meetings and conversations respecting their plan for effecting a revolution. In one of these conversations, Watson said to Castle, that he (Watson) was to be one of the generals of the revolutionists, but that Thistlewood was to be at their head. One part of their plan was, to prevent the king's soldiers from acting against them; and that was to be effected by destroying the barracks in which they were quartered, and in such a manner as to destroy the soldiers also. Monstrous and impracticable as such a plan as this might appear to be at first view, it was not to be estimated by the degree of folly belonging to it, but by the depravity of mind by which it had been conceived. Sometimes the wickedness of a man was so great as to lead him to adopt the most inconsistent means for effecting his object; and therefore the absurdity of his plan could not be used as an argument against the probability of its having been devised. After having thus conferred upon the means of destroying the soldiers, Watson and Castle went together to visit the barracks and magazines in Hyde-park, in order to devise the best mode of ascertaining how they could be attacked. This was done previous to any conference being held with Thistlewood on the subject. The next day Castle was introduced to Thistlewood, and then a conference took place between them respecting pikes or pike-heads, when it was proposed to Castle, whose trade was that of a blacksmith, that he should make a number of pike-heads. They were to be made at a place different

from that where he worked, as he was only a journeyman. After this, Watson and Castle proceeded together to Paddington and streets adjacent, where there were several persons in great distress and out of employ, in order to work upon them and make them instrumental to their designs; for which purpose they were told that they never could be relieved from their distresses, unless something decisive was done.—Among other places, Watson desired Castle to go and sound the navigators at Paddington. If the jury did not know what the term navigators meant; he would inform them that it was a term applied to the persons then employed in cutting the Regent's canal, near Paddington. They were men who possessed great physical strength; and, if wicked enough to enter into such a design, were capable of being very able associates in carrying it into effect. These men were to be sounded as to their opinions, and every effort was to be made to stir them up into discontent. After this Castle went to the Cock public house, and there became a member of the Spencean society. On this occasion Watson paid the money for his admission. On the 31st of October, Castle went, for the first time, to Grey-stoke-place, and, when he came there, he was told by Watson that he was made a member of their committee, which was to consist of six persons. It appeared that a person of the name of Harrison had been materially connected with those parties; but, in consequence of a dispute which he had with young Watson, quitted the society before any of those objects had been accomplished. His place in the committee was to be supplied by Castle, and the remaining members were the two Watsons, Preston, Hooper, and Thistlewood. In the conversations which they held respecting the means of carrying their plan into effect, it was stated that they might rely on getting over a great part of the foot-soldiers to join them; but that they could place no dependence on the cavalry. For his part he did not believe that they had the slightest foundation for any hope of the kind; for, although there might be some unprincipled and wicked men among all classes of society, he could never think that any considerable number of the military would be so criminally forgetful of their duty as to turn their arms, in combination with traitors, against their king and country. It was, however, a part of the plan that the cavalry, on which no dependence could be placed, was to be attacked. They were to begin with

the cavalry-barracks in Portland-place, and these barracks were to be burnt. Watson being, in consequence of his profession, skilled in chemistry, and well-acquainted with the qualities of combustible materials, was desired to make a calculation respecting the quantity of materials that might be necessary, and the expence of them; and it was then stated, that these combustibles would not merely burn the barracks, but destroy the soldiers, by stifling them before they could leave their rooms. The only question of difficulty was, how the combustibles could be disposed of, until the time came for using them. This difficulty was soon removed; it was agreed that a house should be taken contiguous to the spot, on pretence of converting it into an oil shop, to which barrels of tar, pitch, and other combustibles might be conveyed without any suspicion. They soon found out an empty house in Seymour-street. They repaired to the owner, a respectable gentleman of the name of Cosser, residing in Milbank-street, Westminster, who had no notion of the use to which the house was to be converted, and who was referred to Thistlewood, in Southampton-buildings, for the character of the person who was to take the house. Mr. Cosser went to make inquiry respecting this reference, and when he found that Thistlewood was only a lodger, he would not let the house to the parties; and for that reason only it was not taken, and the scheme was abandoned. The person named Harrison, whom he had already mentioned, had left the society in consequence of a quarrel with young Watson, and in consequence of being alarmed at its proceedings. The parties then having given up the plan of the house, agreed to have a number of pike-heads made, and Castle was appointed to go to a person, from whom he could get a pattern of a pike-head. He was desired to say to the person, that it was wanted to form part of an iron fence, which was to inclose a rabbit warren; the name of the person was Mr. Bentley. He had no suspicion as to the object the parties had in view; and he gave a pattern of one of those instruments, which he supposed was intended to form part of a fence. When this should be produced in Court, it would be found to be a terrible instrument of death, and even of war. An order then was given for 250 pikes, to be made exactly resembling the pattern in question: they were made at Bentley's work-shop, and taken away by young Watson and Castle, and carried by them to Watson's lodging in

Hyde-street. Castle did not afterwards know what became of those pikes, but a most extraordinary circumstance respecting them would be shewn in evidence, by which it would appear, that after Watson left his lodgings in Hyde-street, a privy belonging to the house was searched and emptied, and in it were found 180 pikes, exactly resembling those which Bentley had been ordered to make. It is not necessary for me to enter into a minute detail in further explanation regarding these pikes, or pike-heads; but I now come to a most important fact. Something like an organization was agreed upon, and the prisoner, with others, whom you have heard named, were each appointed to their respective offices. Thistlewood was to have the command; Watson, senior, was to be second; Hooper third; Castle fourth; Watson, junior, was to be fifth; and Preston, who was lame, had the last post assigned him. It was at first agreed upon, at a meeting held by these parties, on the 10th of November, that an insurrection should take place on the first assembly at Spa-fields. This, however, was abandoned, and it was merely determined upon to congregate the people together, for the purpose of discussing the state of the times, and seeking a redress of grievances. About this time there were placards and advertisements issued, signifying that there had been adopted a "Committee of Public Safety." To this announcement there were attached certain names, which, however, in justice to them, I must declare my consciousness, that they did not even know they had ever been mentioned. But mark how extraordinary it was: when the prisoner Watson was apprehended on the night of the 2d of December, a paper was found in his pocket, which purported to contain a list of this "Committee of Public Safety." It was signed Sir Francis Burdett, Lord Cochrane, Mr. Arthur Thistlewood, Major Cartwright, Mr. H. Hunt, Mr. Gale Jones, Mr. R. O'Conner, Mr. James Watson, and others.

The jury being observed at this part of the cause to be taking notes, Mr. Wetherall rose, and inquired whether they were taking the statements as facts proved?

Lord Ellenborough.—"I cannot possibly suppose that they are taking notes in any other way than as I would do, by way of illustration, and that they have a right to do."

Several of the jury said, that this was exactly the reason of their noting the statement.

Mr. Attorney-general resumed: I am stating that which I am fully instructed to state, and it would be unworthy indeed of me, if I attempted to state any, even the slightest thing, beyond what I was confident I should be enabled to prove.—As I mentioned to you before, gentlemen, the existence of the committee of public safety, I should not have omitted to mention that some of the names of its alleged members were changed; but this is of little moment, while it is of great importance that the paper was actually found upon the prisoner. Soon after the transaction before alluded to, a meeting was held, at which it was agreed that a meeting was to take place in Spa-fields, and that then an insurrection should burst out. This, however, did not take place, for reasons which will be proved by the witnesses. The next feature of the conduct of the prisoner and his companions was the publication of an advertisement, signed by one Dyal, and which was to have been published by Watson or some other person of the party. It was addressed principally to distressed artizans, manufacturers, &c. and announced the intended meeting. Thus, in order to effect a diabolical purpose, a paper of apparently an innocent nature was circulated, for the purpose of imposing on the minds and feelings of the poorer class of society, and by subsequently working on their passions, to make them the ready victims of the guilt the party had planned to execute. No doubt numbers of suffering individuals would go to this meeting, if they thought any good would result from it to them, but even laying aside the consideration of the wicked plans they had in view, nothing could be more infamous to conceive, than the calling together of the lower orders of the people, under pretence of doing them some good, and taking advantage of their distress, and the infirmities of human nature, by proposing to their hopes one thing, and deceiving them with another. Gentlemen, in the course of these proceedings the meeting alluded to was called, but it was found necessary to have a leader, and, in consequence, a Mr. Hunt, who lived in the country, was applied to. I do not believe, however, that the real purpose of the meeting was made known to that gentleman, but that it was represented to be, as I before said, the case of distressed artizans and manufacturers, &c. Nor do I think, gentlemen, that the breaking out was intended to have been attempted at this time; and the meeting which will be described to you took place. Sub-

sequent to the proceedings of this day, the whole party went to dine at Bouverie-street, with Mr. Hunt, and I will shew you that the prisoner Watson and the others were all acting there together. This was on the 15th of November, and another meeting was proposed to take place soon after the meeting of parliament, which was to assemble in the month of February. This delay was objected to by Young Watson, who proposed that no longer adjournment should occur than seventeen days, and that there should be a meeting on the 2d of December. This was agreed to; but I should have informed you, that at the meeting of the 15th of November, a flag was unfurled by the parties, on which was inscribed the following words: "Nature to feed the hungry; Truth to protect the oppressed; Justice to punish offenders." Of the nature and intention of this address, gentlemen, I will leave you to judge; and let me add, that, during the interval from the 15th of November to the 2d day of December, no other means of industry was left unemployed in exciting the passions and inflaming the minds of the people. The day of the 2d, however, was approaching, and the inquiry was, what should be done? An advertisement, among other things, was agreed upon, and perhaps to read it was the best way at once to shew its meaning. It was as follows: "England expects every man to do his duty." A meeting will take place on the 2d December, to receive the answer of the petition to the Prince-regent, determined upon at the last meeting held at the same place, and for other important considerations. The present state of Great Britain:—Four millions in distress!!!—Four millions embarrassed!!!—One million and an half fear distress!!!—Our brothers in Ireland are in a worse state!!!—The climax of misery is complete: it can go no further. Death would now be a relief to millions. Arrogance, folly, and crimes, have brought affairs to this dread crisis. Firmness and integrity only can save the country.—After the last meeting, some disorderly people were guilty of attacking the property of individuals. They were ill-informed of the object of the meeting; it was not to plunder persons suffering in these calamitous times, in common with others; the day will soon arrive when their distresses will be relieved. The nation's wrongs must be redressed.—JOHN DYAL, Chairman. THOMAS PRESTON, Secretary."

The note just read at the bottom of this advertisement

is of the greatest importance, and coupled with what I have before detailed, nothing can be more insidious. It is impossible to read it without drawing the inference of its diabolical design, more particularly when the other strong facts, namely, the ordering the pike-heads, the firing the barracks, and other matters, are taken into consideration, I shall indeed be happy to hear what explanation my learned friend (Wetherall) will give to the production I have just read you. For what purpose, I would ask him, was such an advertisement placarded and circulated, unless for the purpose of recommending the adoption of force? What other possible object could there be, unless it was to inflame the minds and passions of the people, and to stir up insurrection and rebellion. The paper to which I have just drawn your attention, had also not only been placarded upon the walls of the metropolis, but care was taken that copies should be circulated among those most necessary to be influenced, namely, the soldiers. I now proceed to inform you, that previous to the meeting of the 2d of December witnesses will prove, that young Watson and others agreed to go and view various gun-smiths' shops, marine store-houses, &c. The former, in particular, were to be visited on the day of the meeting, and the assembly were, of course, to supply themselves with arms. One plan beside was worthy of remark, and the more so, as it regarded the opposition expected from the soldiery. Nay, it was not only to have been adopted with a view to prevent the firing, but to win over the soldiers. A number of young women were to be procured; they were to be dressed out in the best manner, to be decorated with the tri-coloured cockade, and to be placed in front of the ranks of the divisions to be headed by the several parties. This, I presume, was expected to have worked powerfully upon the humanity of the troops; but, looking at the possibility of mischief occurring, and such a plan being adopted, I think the project was most wicked and abominable. The time of the 2d day of December, and whatever was decided upon, was to be ultimately carried into effect on that day. Arrangements were however necessary to be made, and among arms purchased for the occasion were pistols, traced to the previous possession of the parties, and afterwards actually found in the possession of Hooper, who was apprehended by the praise-worthy exertions of the Lord Mayor and Sir J. Shaw. The person named Castle, to whom I have before alluded, was also communis-

sioned to purchase pistols, sabres, &c. which he did; and previous to the great meeting, the prisoner and his companions assembled in Greystoke-place, where, with the exception of Thistlewood, they all dined, and agreed to go together to Spa-fields on the following day; Castle, in furtherance, was sent out to hire a waggon or stage, in which he was unsuccessful, until at length meeting with a person named Windermude, he made an engagement that he should go with him to the top of Chancery-lane, and meet him, from there to go to Spa-fields. Windermude was asked to decorate his horses with ribbands, the tri-coloured cockade, &c. but he refused. The parties, however, proceeded with the waggon, their arms, and ammunition, &c. to Spa-fields, and it was further agreed that, in the course of their career, they should go to the "Old Lady and the Old Gentleman." This, gentlemen, I understand, means the Bank and the Tower! Castle, I should observe to you, left the party that went to Spa-fields, and directed his course towards the east end of the town. Here he was directed if he met with a sufficient assembled force, to proceed and endeavour to take the Tower himself. Thus, it appeared, that Castle had nothing to do beyond his procuration of the waggon on that memorable day I have just named to you. What was done at Spa-fields I shall now shortly advert to; and, after I have stated the transactions of that day, you will have to say whether those persons, having previously purchased arms, did not act for the purpose of destroying the king and constitution of these realms—whether they did not compass and imagine the king's death—and whether they did not conspire to levy war, and compel the king to change his measures. But before I come to what occurred at Spa-fields on the 2d of December, I should observe, that on Saturday, the 30th of November, it was agreed that different persons were to go to different parts of the town, and a plan was arranged by which particular divisions were marked out. Some were to be at London-bridge—some at one side of the Tower, and some at another. And here I must bring to your notice a most singular thing, as a decisive proof and confirmation of a plan of operations having been arranged. I have already told you, that when Mr. Watson, senior, was taken, on the night of the 2d December, a paper, purporting to contain the names of a committee of public safety, was found upon him. I will further shew you, that in his pocket also was found a paper, which is obviously and

manifestly a sort of plan of intended operations; and from which it is clear that the Tower and the Bank were the principle objects of attack. The paper found in his pocket was this:—

“Smiths (meaning blacksmiths,) Westminster-road, to form three divisions, and collect as great a number as possible together, and meet the London division at the London-road, and proceed to the Old Man. Paddington, to proceed to St. Giles's.—Barricade each street to Holborn-bars, and the approaches to T. B. (meaning Temple-bar.)—Barricade Chancery-lane and Carey-street. St. Giles's division to barricade as far as St. Andrew's, Holborn, to include Chancery-lane; 3d, Gray's-Inn-lane; 4th, St. John's-street and Old-street; 5th, White-chapel; 7th, Bank; 8th, Picket-street.” This paper, thus enumerating points of co-operation, was found in Mr. Watson's pocket on the night of the 2d of December, when he was taken in the attempt to quit London. Every division was settled, and agreed upon on the 1st of December, at Greystoke-place; at least divisions very much similar to those I have read. It will also appear, I think, that at that meeting a map of London was produced, in order to explain and facilitate the course of proceeding agreed upon to be pursued on Monday, the 2d of December, which, as you will observe, was convened in pursuance of the inflammatory advertisement I have already read to you. That meeting had been adjourned from the 15th November, and it was expected, of course, that Mr. Hunt would come and address the assembly, not as chairman, but as one of the persons who was desirous of expressing his sentiments. Whether it was in consequence of any thing which Mr. Hunt had said on the former occasion that this expectation was formed, I do not know, but certainly he was expected. The conspirators, however, thought it more advantageous for their purpose that they should begin their proceedings before Mr. Hunt came, and they therefore began accordingly, with a view, as will appear, for the purpose of giving their partizans the necessary instructions before he should arrive. At this proceeding, Thistlewood, Preston, Hooper, and the two Watsons took an active part, the latter of whom were the most conspicuous, on account of their inflammatory language and conduct. The waggon, in which the arms and ammunition I have already spoken of, was placed in the field, and from

thence the inflammatory language, and which I am going to read, was addressed. The principal orators on that occasion were the prisoner Watson, and his son, James Watson, junior. The language and expressions used on that occasion, were manifestly intended to excite a seditious disposition in the mob then assembled, for the purpose of more successfully carrying into effect the previous deliberate conspiracy, formed for a general insurrection and rebellion; and I think no man, let him be ever so blind, or ever so dull in understanding, can doubt, that what occurred on that occasion was the effect of a preconcerted plan; and that, in fact, the object of the parties who took part in that scene, was nothing else but insurrection and rebellion, for the purpose of overturning, as far as they could, the government of the country, and plunging the kingdom into anarchy. No man, I say, can hesitate to believe, that the object of the measures of that day, coupled with the previous concert and conspiracy, was to effect a complete revolution in the country, by the actual deposition of the king from the throne, and the dissolution of all government and all law in the society in which we live. Good God! let us reflect upon what would be the consequence of the mischief contemplated by these persons, had it been carried into full effect. Let us imagine for a moment what a state of anarchy and bloodshed must have resulted from the success of the Spa-fields conspirators. Suppose those persons had got into power, and could have maintained for any time the upper hand of civil and military power, in what a state of desolation and anarchy would this country have been involved! Should we not have been in actual state of civil war, at least during the time that such a contest could have lasted, and should we not during that time have experienced all the horrors and anarchy of civil war and domestic bloodshed. Is there a good man, or any man, who does not believe, that if the plans of these misguided persons had succeeded, that the country would have been involved in rebellion, and all the desolation consequent upon the subversion of the constituted authorities of the land? Gentlemen, I was about to state to you the effect of the addresses delivered by the prisoner at the bar, and his son, to the misguided multitude assembled on the 2d of December. The language used by Mr. Watson, senior, on that occasion, was this:

“ Friends and countrymen—We are convened this day,

in consequence of the resolution passed at our last meeting, to hear the answer to the petition which we agreed to present to the prince-regent. I cannot refrain from expressing the pleasure which I feel at this moment in addressing so respectable a meeting: The petition which Mr. Hunt was deputed to present to the prince-regent, was prepared in the hope that his royal-highness would give an answer to the cries of those starving thousands by whom he is surrounded. I am sorry to inform you, however, that he has resolved to give us no answer—that he will afford us no consolation. It is useless then to take that course. This day we are called on to take other measures; and ‘England expects every man will do his duty!’ (Applauses.) We are called on, because four millions of our countrymen are in distress!—because so many more are embarrassed!—because one million and a half fear distress!—While these miseries exist, how few enjoy splendid luxury? Only half a million of the people of this country, as this placard expresses, are not in fear either of embarrassments or death. I ask you, friends and countrymen, if ministers have done their duty in advising the prince-regent not to hear our cries? (No.) Has the prince-regent himself done his duty? (No, no!) Was there ever a more calamitous time in this country than the present moment? (No, no!) It is not only this country that is thus oppressed—our sister-country, Ireland, shares in our misfortunes. There, the climax of misery has been brought to a close. There, their sufferings cannot be extended further. Are we to go on from time to time, from month to month, from year to year, crying to the father of his people, as he is called, in vain for redress. (No, no.) The present is the time to do something. (Huzza.) What! will men, with minds and hearts of Englishmen, continue thus for months and years to be starved? (No.) How are we to be restored to our rights? Not by talking!—Not by long speeches!—Not by petition; for our petitions are not heard, (Bravo.) It appears that we are placed in a state of bondage; the rights of civil society are not attended to. The calls of the multitude from time to time have availed nothing. That parliament, which was destined for the protection of the people, has been invited to assemble together, to take into consideration the distresses of these calamitous times; to consider in their wisdom, if they possess wisdom, the situation in which we are placed. In this dis-

tressed state of things they should have obeyed our call; they should have assembled together, and have taken into consideration the situation of the dying multitude, and not be deaf to our prayers. (Groans and hisses.) It must rest with ourselves then, to consider how we are to relieve ourselves in these calamitous times. We have been told truly, that trade and commerce have been annihilated; but still we have the earth, which nature designed for the support of mankind. The earth is sufficient to place every man in distress in a comfortable situation. If he has but a spade and a hoe to turn up his mother earth, that will prevent him from starving. In the situation in which we are placed, how is this to be done? I will tell you; I have said that the bonds of society have been neglected; what, then, is our situation? They have placed us in a state of nature. They have neglected the cries of the hungry and starving people. Not a day passes in the streets of this great metropolis, in which people are not seen starving to death. Are they ignorant of this? (No.) If they are, they ought not to be; but they are not. They know well that the people are starving in every part of the kingdom, and yet will admit of no measures to relieve them! (Groans.) Will they now hear our cries? (No.) Have they not been supplicated in the language of men, in the language of forbearance and of patient suffering? (Yes.) The Israelites were in a state of bondage for a long time, but we double that time. Ever since the Norman Conquest, kings (and lords) have been deluding you. They have, in many instances, converted the people to their own wicked purposes; but this must not last any longer." (Shouts.)

Gentlemen, such was the language of the prisoner on that occasion. It was impossible to misunderstand his allusion to the Norman Conquest. It is obvious that his object was to bring into scandal and contempt the kingly authority. We then come to the address of the prisoner's son to the multitude then assembled. It was to this effect:—

"The last time we met in this place, I had the honor of saying a few words. I was the person who proposed the resolution for our meeting again this day.—It was said there, that we should hold our meeting on the first day of the meeting of parliament. It was not in our power, however, to tell when parliament would meet—it might never meet at all! (Applause). At that time we

agreed to present a petition to the prince-regent. This petition, we have been told, was presented, but answer there was none, except that the prince-regent said, 'That his family never attended to the prayers of the people; they never answered any petition which did not come from the universities of Oxford and Cambridge, or from the corporation of London;' in other words, 'I will not attend to the prayers of the people.' (— him). This man calls himself the father of the people. (— him). Is it not the duty of a father to protect his children? (Yes). Does he do so? (No). No, he leaves you but too much ground for complaint; while he tramples on your rights. There is no luxury which he spares: he knows the expences will be paid out of your pockets. (Groans). Are we to submit to this any longer? (No). Will Englishmen any longer suffer themselves to be trampled upon like the poor African slaves in the West Indies, or like clods and stones. (No, we must have relief). We can expect nothing. (Yes). I beg your pardon,—since our last meeting, from the resolutions which were passed by the people, calling upon each other to come forward, some persons did distribute ox-cheek broth and ox-bone soup. (Laughter.) Many came forward with their 200*l.* and 300*l.* who should have come forward with their one hundred and two hundred thousands! Do you believe that these contributors have a sincere wish for the people? (No.) They come forward to rob you of all you possess, and then give you a penny to pay the turnpike. (Laughter and cheers). The prince-regent, in his great generosity, in consequence of our miseries, has given you 5,000*l.* out of funds which do not touch his own pocket. (Shouts). He plunders you of millions, and then gives you part of the spoil. My friend here (Mr. Preston as was supposed) has been described by the treasury journals as a second Wat Tyler. No bad title; for be it recollected, that Wat Tyler stepped boldly forward for the purpose of resisting an oppressive tax—and would have succeeded, had he not been basely murdered by William Walworth, then lord-mayor of London. But we have no bull-rush lord-mayor now: and if he had been surrounded by thousands of his fellow-countrymen as I am now, he need not doubt his success. (Huzza!) It seems the determined resolution of ministers to carry things with what they call a high hand—or, as they say, our sovereign lord the king will carry every thing with firmness. In short, they will carry the business in defi-

ance of the voice of the people. (Cheers.) If they will not give us what we want, then shall we not take it? (Yes, yes!) Are you willing to take it? (Yes, yes!) Will you go and take it? (Yes.) If I jump down among you will you follow me?" (Yes! yes! from a thousand voices.)

Upon which he jumped down, and the prisoner and his son, heading the mob, proceeded towards the city, accompanied by Thistlewood, and others of the conspirators. In their progress they were assailed by some of the police-officers, (who will be called to you,) and by whose exertions some of the banners and flags were taken from them. On one of those banners were inscribed, "The soldiers are our friends, treat them kindly." Can any man doubt that the object of this inscription was to seduce the soldiery, in case it should be found necessary to call them out for the purpose of putting down and repressing the insurrection?—Another remarkable circumstance was, that amongst the banners unfurled on that occasion was the tri-coloured flag! Need I call to your recollection, gentlemen, the associations connected with that memorable ensign in the bloody era of the French revolution. A period at which the tri-coloured flag was the rallying-point of every thing that was bloody and atrocious. At first it was the symbol of revolution and violence, and it was afterwards adopted as the national standard of tyranny and usurpation. For what purpose was the tri-coloured flag adopted in this instance, but for the purpose of holding up the example exhibited of rebellion and horrible assassination, which took place at the French revolution? For what other purpose, I would ask you, could it have been adopted? Such ensigns as these, tending as they do to inflame popular feelings, have at all times been most dangerous to the public tranquillity, and have often been resorted to by designing men, for the purpose of inciting their countrymen to acts of outrage and rebellion. Many of you, I dare say, are old enough to recollect the scenes of plunder and desolation which disgraced this great town in the year 1780, when a tumultuous mob, headed by Lord George Gordon, proceeded to acts of the most disgraceful and wanton violence.

For what purpose all this insignia of war, but to put themselves in battle array, and to furnish themselves with reinforcements and with weapons of destruction? Why was the gun-smiths' shops attacked, and the pawn-

brokers, except it was to furnish arms which were to answer the purposes they had in view? They attacked and pillaged Mr. Beckwith's shop of all the arms they could find; and from the identical arms taken from it, which were traced to their hands, in the instant they were employing them in purposes and overt-acts of treason and rebellion, the object was clear. That object was expressly declared by the address of young Watson, who, it would be proved, went to buy those very pistols which he took in his pocket, and with which he shot at that young gentleman, Mr. Platt, then in the act of expostulating with him, though, fortunately, he did not kill him. When this transaction took place, they had no sooner accomplished this bloody-minded purpose, of plundering Beckwith's shop, and of murdering such as opposed them, than they proceeded with those arms, which they judged favorable for their designs, towards the Royal Exchange. Being there met by the lord-mayor and the worthy magistrate sitting under their lordships (Sir J. Shaw,) whom they no sooner saw than they resisted an attempt which was made to secure them. In the intermediate time, they had collected an additional mob, armed like themselves, with guns, pistols, and every weapon they could possibly lay their hands upon, thus trampling upon the laws and constituted authorities in a state of revolutionary riot and open rebellion; for I may fairly say so, from the deliberate design, purpose, and execution, which was manifest from the acts which they committed throughout the whole affair. They were running some one way, some another, when met by the lord-mayor and by Sir James Shaw. Two guns were at that instant discharged at the lord-mayor, though neither did execution; and one of these persons, so carrying and using these arms, was now charged as a prisoner with Mr. Watson. The person alluded to was Hooper, who had those very arms in his hands, which would be proved to have been purchased by young Watson just before the proceedings of that morning; and, in consequence of those consultations had between them, for the express purpose of arranging what was intended to be, and actually was so carried into execution on the Monday. The gun-smith would be called of whom these pistols were purchased by young Watson, and one of which would be proved to be the very pistol which was found upon Hooper. Some

broke off in the direction of the west, others proceeded in the direction of Surry, and those who were taken with arms in their hands, to the Royal Exchange, and eastward in the direction of the Tower of London. After having concerted their measures according to the written plan, which was found upon the person of the prisoner Watson (with other documents which would be produced), what was the next object?—to attack the gun-smiths' shops. The shop of Mr. Ray, in the Minories, was immediately attacked in the same way as that of Mr. Beckwith's, although Ray had actually then shut up his shop. They went over to the other side of the way and attacked the shops of Brandon and of Potts, and took all the arms that could be found there, together with a field-piece. When they had thus proceeded to the Minories they were not far off the Tower. Here a person advanced from the rest of the mob, and who, I believe, will be shown to have been Thistlewood. He got upon the railing which surrounded the ramparts, and raising his voice, made a treasonable address to the soldiers. He represented to them that they were to receive one hundred guineas a piece, and, with a sword in his hand, he invited them to come over to the mob. He solicited his majesty's troops to join in those measures for which they had armed themselves. Can any human being doubt what their object was in thus seeking to seduce the soldiers from their duty, to join them with their arms? If this was not to excite a general insurrection, for what other object? Why were they armed at first, and why did they resort to plunder for arms? Why attempt to seduce the soldiery from their allegiance, but to obtain all the reinforcement that could be procured? Why the mounting up into a waggon, furnished with ammunition? Why those inflammatory speeches to excite the passions of the mob, except for the purpose of bringing over others to join them, for the purposes of open and avowed rebellion and treason? The question is, whether this was a conspiracy to overturn the legitimate government of the country, or with intention to petition for redress of grievances, or parliamentary reform? Now, I do say this—I don't care how far they go towards this object of contemplation, provided they go so far only as to show what their object was. I should be glad to hear from the prisoner, or his counsel, what in reality their object was? What was the purpose of all these

consultations, or apparent acts of treason? What in reality was intended? Then I say, from what was done, or what could be known but from what was done, that their object was levying war against the sovereignty of the state, and against the constitution of the country as by law established. I say that what was done was nothing short of all this; though, as I have already told you, I should not pursue the same course of proof as I have laid down in opening this prosecution. After they had made this attempt upon the Tower, and matters were, during the afternoon of Monday, in a very alarming state, tranquillity, by the interference of the military, and of other loyal subjects, was so far restored, and the mob dispersed.—I say, after this dispersion, the evidence traces Watson the elder, Thistlewood, and Hooper, (prisoners at the bar,) back to the lodgings of the elder Watson in New-street. There it was found Thistlewood and Watson came and packed up some linen and apparel; and from there they were traced to another lodging, in the house of a person named Williams, in Shoe-lane. Here they left the witness whom I shall call, and also left Preston, and departed from London that night. It happened they were discovered in the dead of the night, in the neighbourhood of Highgate, by one of the patrols there, who had received information of some robbery committed in the county of Essex. He happened to see two people skulking along in the dark, one with a bundle under his arm, when he advanced and desired them to stop. The prisoner said he had no objection to shew him his bundle, when, at the same time, the patrol accidentally discovered that Mr. Watson had a pocket-pistol concealed about his person. This discovery increased his suspicions; he had no doubt their intentions could not be good, and he immediately seized Watson, the prisoner, when the two persons both fired their pistols at the patrol; Watson was first secured: he made considerable resistance, by striking the patrol; but in the scuffle the patrol drew his dagger, and the prisoner was secured.—When searched he was found armed with pistols. Now, gentlemen, until then there was nothing against Mr. James Watson whatever, except what transpired at a subsequent time, and whatever they state they did during that transaction, goes to the evidence of one and all; but as to any thing done by other persons, will not excuse or assist these persons in the outrages which they have committed. In

going into evidence, I shall begin with the transactions of November the 15th down to the 2d of December. I shall call a great many witnesses, but only to the most important facts appertaining to the various transactions. A witness, who was privy to the conspiracy, is subject to this: He must be considered to have been an accomplice. So he was beyond all doubt, but the law admits his testimony; and beyond all doubt he is a competent witness, if confirmed by others. But, perhaps, though unconfirmed, the law, in many cases, though it does not declare him incompetent, yet it would be too much to say a reliance should be put upon his testimony in capital cases like this, where the life of a fellow-subject is at stake. But say, nevertheless, that without this evidence of an accomplice being allowed here, as cogent and strong evidence against the prisoner, you will say there is cogent and strong evidence against the prisoner of overt-acts of treason upon this indictment. But I know I shall confirm this witness upon many circumstances, of the foundation for which there is no doubt. The other persons who were accomplices with him in what he did would be so strongly corroborated by other evidence, there would be hardly any point in which he would not be confirmed by persons who were not accomplices, and who were ignorant as to what those circumstances led, until we came to inquire into them, and they confirmed this man in all that was necessary to the case. All doubt will now be removed, by which I shall have made out a case from these transactions in support of the indictment, namely, conspiring and imagining the death of the king, intending to depose the king, and also levying war for the purpose of deposing his majesty.

Gentlemen, I am sorry for having taken up so much of your time, and perhaps I may have given you a great many confused dates and titles, for which I hope I shall be excused.

Evidence for the Prosecution.

THOMAS STORES, sworn, (*examined by the Solicitor-general*).—Q. I believe you are a printer, living in Fetter-lane? A. Yes, I am a printer, and live in Fetter-lane.

Q. Do you know the prisoner, Mr. James Watson. A. I don't see him; (here the witness looked round and soon recognized him;) Yes, I do.

Q. Do you remember seeing him at any time in the month of November last? A. Yes, I do.

Q. Upon what day in November? A. I believe it was on Wednesday, the 6th of November.

Q. Where was it you saw him? A. At my house in Fetter-lane.

Q. For what purposes did he call? A. He wanted a paper printed, which purported to be a memorial or petition, which was intended to be presented to the prince-regent.

Q. Did he state what time he wanted it printed? A. He wanted it upon the following evening, to be distributed at the meeting.

Q. Did he state that he wanted it to be distributed at the meeting. A. Yes he did.

Q. Well, Sir? A. I told him that the time was so short that I could not get it printed in time; and he read part of it to me.

Q. Are you enabled to state what he read to you? A. Not the whole of it but part of it.

Q. State what it was? A. I remember part of it was, that part of the lands were to be divided into parishes, and to be let out into parochial partnerships, and that all the waste-lands, mines, and quarries were to be appropriated for the use of the government-expences; and, after that, the rental of the different parishes, or bounds, were to be let out and divided among the people; these are the principal heads that I remember.

Q. Do you recollect any thing more that was read to you? A. No, I do not at present.

Q. State what more passed between you and him? A. Mr. Watson observed, that the meeting was to take place the following night, at the Carlisle-inn, Shoreditch.

Justice Bayley.—Q. Do you mean on the Thursday or Friday? A. Upon the Thursday, my Lord.

Solicitor-general.—Q. Did any thing more pass at that time? A. He promised me that there would be a bill for a public meeting.

Q. That was the principal matter, I suppose? A. Yes.

Q. Did any thing more pass upon the 6th? A. No; I believe that is the principal thing that passed as I remember.

Q. Did you print this memorial? A. No; I could not do it; I did not do it.

Q. When did you next see Mr. Watson again? A. On the Sunday morning following, which was the 10th.

Q. Where did you see him on the Monday morning? Did he call again at your house? A. Yes.

Q. For what purpose did he call upon you on the Sunday morning? A. He brought me a copy of the bill to be printed, which I agreed to print.

Q. How many were you to print? A. I believe it was 2000 copies of the small, and 300 of the large.

Q. Did you print any of those bills. A. I composed it, and printed one and shewed it to him upon the evening of the Sunday.

Q. Did he come to your house again in the evening? A. Yes.

Q. What passed in the evening when he called? A. I shewed him one of the bills I had printed, and he approved of it; and asked me if I could let him have some, and it being Sunday, I could not, but I promised to let him have some upon the Monday morning.

Q. Did any thing more pass upon the Sunday evening? A. He brought me ten pounds upon the Sunday, in order that I might take out what I wanted, or to take out such part of it as was sufficient to indemnify me till the whole was done, that is to say, to take out the deposit and return him the rest; I took only one pound, and my wife gave him the rest in change.

Q. Was that upon the Sunday? A. Yes, it was upon the Sunday.

Q. He came again upon the Monday morning? A. Yes; upon the Sunday he told me that the advertisement was to appear in the Morning Chronicle and the Morning Advertiser newspapers.

Q. Did any one come with him upon Wednesday, or Sunday, or did he come alone? A. He came alone upon Wednesday and Sunday.

Q. Upon Monday did he come alone? A. His son and another person were with him in the room when I was out.

Q. What passed between you and him upon the Monday morning? A. He came for the bills; he asked for them, and I declined giving them to him.

Q. The printed bills? A. Yes, they were printed bills. He asked my reason why I had not objected to it in the first place. I said I did not see any harm in the bill when he brought it to me, but that since that time I did not choose to have any thing to do with it, as I thought it would be dangerous.

Q. State what passed between you and him? A. I told him that he knew very well what it was to be calling a meeting, for that, when they were assembled together, nobody knew who should be accountable for their actions in case any mischief would ensue.

Q. Did he make any answer to that? A. Yes; he said, that there were many meetings called in the country, and nothing had taken place, but that they had parted quietly: I told him that I did not know how this might be, but I did not like to have any thing to do with it, or to run any kind of risk; and young Watson asked me what I had to be afraid of.

Q. Is that James Watson the younger you mean? A. Yes; he asked me what I was afraid of, and the old one said, that he supposed I was afraid of having my house pulled about my ears by the vengeance of the mob, and that I was perverting the ends of justice more than supporting it by refusing to print the bills.

Q. Well, Sir? A. Young Watson then asked me to give him a copy of the printed bills: I said that as my name was to it, any printer would print it afterwards without thinking of any danger.

Q. You mentioned that as an objection to printing the bill? A. Yes, as the seeing it printed is a great inducement to another to print it: I had them printed, but I declined giving them to him, and he said that he wanted one, not for the purpose of taking it to a printer, but to send it to Mr. Hunt. I told him that I knew Mr. Henry Hunt very well, and if he would produce me his letter, stating that he wanted it, I would send him one, and he said no, if I would not send it without his letter, I should not send it with it: he declined and went away, but came back afterwards.

Q. Did you let him have any of the bills? A. I did not let him have any.

Q. Did any thing more pass at that time according to your recollection? A. Yes, Mr. Watson had from me the paper he brought and the money I had received, at least as much as made up the money I received from him; I returned the paper that I bought out of the one pound note, and the difference.

Q. You had printed some of the bills? A. Yes, but that was my own paper, and I burnt them.

Q. Have you any of them? A. There was one copy of them saved, and I gave it to the grand jury at Hicks's-hall

Q. What became of the manuscript from which the bills were printed? A. I returned it to Mr. Watson as he asked for it.

Q. What was the subject of the bill? It was cany a meeting upon the 15th of November in Spa-fields.

Mr. Topping.—We have given them notice to produce it.

Q. Look at that one; perhaps that will refresh your memory as to the contents of the manuscript (shewing a paper)? A. Yes, that is the same as what I printed.

The Solicitor-general.—It is not the same that he printed, but it was subsequently printed by another printer.

Q. It was for calling a meeting of distressed manufacturers and distressed artisans in Spa-fields? A. Yes, it was calling a meeting upon the 15th of November, in Spa-fields, of different people, such as mariners, artisans, manufacturers, and others.

Q. Where? A. In Spa-fields.

Q. What said they upon your declining it? A. Young Watson said he should go to Tottenham-court-road.

Justice Bailey.—Q. That was in the hearing of the father? A. Yes, my Lord. He said he should go to Tottenham-court-road to get them printed there.

Solicitor-general.—Q. Did he name any person by whom they were to be printed in Tottenham-court-road? A. Yes.

Q. Whom? A. Messrs. Sele and Bates.

Q. Did you afterwards procure that paper from Messrs. Sele and Bates, (shewing a paper)? A. Yes; that is in my own hand-writing.

Q. When did you get that at Sele and Bates? A. Upon the Tuesday.

Q. Upon the Tuesday following that Sunday; that would be the 12th? A. Yes.

Q. Do you know a place called Greystoke-place, near Fetter-lane? A. Yes.

Q. Where is the entrance to Greystoke-place. Is it from Fetter-lane? A. There are two entrances.

Q. Where are they? A. The one out of Fetter-lane, and the other you go through into Cursitor-street.

Q. Is there one of these shut at night? A. The one that leads to Cursitor-street is shut at night.

Q. Do you recollect passing by Greystoke-place any time in November last? A. Yes.

Q. Upon what day? A. I believe it was upon Wednesday evening following that Sunday.

Q. That would be the 13th? A. Yes.

Q. At what time in the evening? A. About nine o'clock.

Q. Did you see any person coming from any house in Greystoke-place? A. No, I did not; I went by there to go to the Carlisle inn that evening.

Q. Did you pass it again upon your return? A. Yes.

Q. At what time was that? A. Between one and two o'clock in the morning.

Q. Did you then see any persons? A. Yes; I went through the court, and on my return the doors of No. 9 opened, and six or eight persons came out of that house.

Q. Did you observe whom any of those persons were? A. No.

Q. Was it dark? A. I cannot recollect.

(Cross-examined by Mr. Wetherell.)

Q. What was the day that you were desired to print the memorial to the Prince of Wales? A. Upon the Wednesday.

Q. When you were desired to print it so early that you could not get it printed? A. Yes, Sir.

Chief Justice Ellenborough.—Do you read this paper? Solicitor-general.—Yes, my lord; after calling other witnesses.

Q. When you had printed these bills, you did not chuse to have them circulated? A. No.

Q. What did you do with the rest of these bills? You say you kept one? A. Yes.

Q. How happened you to keep one? A. From curiosity.

Q. Why did you think proper to keep one of them? A. Merely to see whether the meeting would take place or not.

Q. What curiosity led you to tell any body that you had kept a copy of this bill? A. I went to the office of the Morning Advertiser to inquire if they had an advertisement to that effect, as Watson said it was to appear.

Q. Finding that there was no advertisement, you would not be responsible for printing them? A. I would not print them at all, if I thought there were any danger.

Q. Whom did you first tell it to? A. I cannot tell, as there were one or two others in the room.

Q. Whom did you first communicate to that you had kept one? A. I had one in my pocket that I did not know of.

Q. Whom did you first tell concerning it? A. I told it to an old man, a printer.

Q. You took it to the secretary of state's office, you said? A. Yes.

Q. When was it you took these? A. Upon the Monday.

Q. So you kept one for your own curiosity? A. I had one left in my pocket.

Q. Did you keep it on purpose, or accidentally? A. After I had only one left, I did not think it was worth destroying.

Q. Why did you keep it? A. Because it was in my own possession.

Q. What was your reason for keeping it? A. I kept it merely, as I before observed, from curiosity, to see whether the meeting would take place.

Q. When did you communicate to the secretary of state's office that you had it? A. I went to the secretary of state's office to say that I had kept a bill.

Q. Before what jury, at Hicks's Hall, was you examined? Was it the jury that found the bill? A. Yes.

Q. Was you examined before that grand jury, upon the fact of your having been applied to by Watson to print these bills? A. Yes, Sir.

Q. Did you state there what you state now? A. Yes.

Q. Did you produce the copy you kept? A. Yes.

Q. Who took you to the grand jury at Hicks's Hall? Did Mr. Litchfield take you there? A. One of his clerks took me there.

Q. Did Mr. Litchfield attend you there? A. I saw him after.

Q. Who subpoenaed you there? A. One of Mr. Litchfield's clerks.

Q. When was it you were summoned to attend the jury at Hicks's Hall? A. I think it was in the month of February last.

Q. Then that was about or upwards of two months after you had printed these bills? A. Yes, Sir.

Q. How long did you attend before the grand jury? A. I suppose I might be there about a quarter of an hour.

Q. Was Mr. Litchfield or one of his clerks present when you were examined before the grand jury at Hicks's

Hall? A. I cannot recollect; I do not know one person in the room.

Q. To whom did you deliver the copy? A. To one of the grand jury, I believe, as I do not know them.

Q. Have you been examined before the London grand jury, or have you been examined before any other grand jury? A. Yes, Sir.

Q. What grand jury was that? A. One belonging to this court; the one was at Hicks's Hall, and the other here.

Q. Have you had that bill back again? A. No, Sir.

Q. Have you seen the bill after you handed it over to the grand jury at Hicks's Hall? A. I have not seen it since. (Witness withdrew.)

ARTHUR SELE sworn, (examined by Mr. Topping.)

Q. You are a printer, are you not? A. Yes.

Q. You live in Tottenham-court-road? A. Yes, Sir.

Q. Did you do so in November last? A. Yes.

Q. And for some time before? A. For seventeen years.

Q. Do you remember any application being made to you in November last to print any hand-bills? A. Yes.

Q. Tell me what day of the month of November it was? A. About the 11th; I think I can tell by looking at this paper, (looking at a paper.)

Q. What day of the week was it? A. Upon Tuesday, I think, to the best of my recollection, an application was made to print some hand-bills.

Q. By whom was that application made to you? A. A Mr. Preston came to me, and said he would introduce to me some gentlemen, and said he wanted some bills printed for a public meeting.

Q. How many gentlemen accompanied him? A. About four or five.

Chief-justice Ellenborough.—You have not identified what Preston it was.

Q. Is it the Thomas Preston who was indicted, whom you mean? A. I do not know whether his name be Thomas, but I know his name was Preston.

Q. Do you see him now in court? A. I cannot say I do.

Q. Had you seen Preston before? A. I had known him two years before; I should know him if I were to see him.

Q. Do you see him now in court? A. (Witness looking round amongst the persons at the bar), Yes, I do.

Q. You have known him two years have you? A. Yes, Sir, because he lived in our neighbourhood.

Q. Who were the persons that came with him? Do you know any of them? A. I should know one of them.

Q. Mention his name, if you please? A. (Here the witness pointed out the prisoner Watson). That was one that came with the gentleman when I received the order.

Q. He and Preston were two of the party who came to you? A. Yes, Sir.

Q. For what purpose did they come to you, and who was the person who said what they wanted? Was Watson along with Preston when Preston said they wanted some bills printed? A. Yes; they said they wanted some bills for a public meeting.

Q. Do you recollect the day when the public meeting was to take place? A. Upon the 22d, 25th, or 26th, of November.

Q. Did you print any bills? A. Yes.

Q. Look at that one, and say whether it be one you printed? (shewing it). A. Yes, it is.

Q. In consequence of what passed you printed that amongst others? A. Yes.

Q. Did you print that bill from any manuscript produced to you? A. Yes.

Q. By whom was that manuscript produced to you, from which you printed that bill in your hand? A. I cannot say which of the other three gentlemen gave me the manuscript; I do not think it was Mr. Watson that gave it.

Chief-justice Ellenborough.—Q. Were they all by that time? A. There were Preston and Watson, and other two whom I do not see here.

Mr. Topping.—Q. They were together with you in a room? A. They were in my public shop.

Q. What was the order? A. There were about 3,000 of the small bills printed, and 500 of the large; there might be more than that in the order given.

Q. When you had printed these, to whom were they delivered? A. A great number of them were called for by different individuals.

Q. Had you any orders as to the delivery of them? A. No, Sir; I had no orders as to the delivery of them at all, but I delivered them to different people that called for them.

Q. How came you to do so? A. I naturally thought those that gave me the bills would come for them, and through Mr. Preston I should learn who employed me; I delivered them to different individuals who called for them.

Q. How soon after receiving the order were the hand-bills printed? A. The next day, I believe.

Q. Did you print them upon paper of your own? A. No, paper was brought by somebody from another printing-office, part of it, and the other part I found.

Q. Do you know what quantity that was that was brought? A. No, but I believe it made 3,000 of the small from beginning to end.

Q. Did you print any more for this meeting? A. No; but some for that of the 2d of December.

Q. Have you got the manuscript from which you printed this? A. That one I have.

Q. Let me look at it? (Witness produced it).

Q. This is the manuscript from which you printed that bill? A. Yes.

Q. Are you acquainted with the hand-writing from which it is printed? A. I really do not know; that question was asked me before, but I am not at all acquainted with it.

Q. Are you acquainted with the hand-writing of Preston? A. No, Sir, I never saw him write.

Q. You neither know the hand-writing of the body of the paper, nor that of the two names at the bottom, subscribed to it? A. No, I do not.

Q. Did you print any other but those? A. Yes; for the meeting of the 2d of December.

Q. When was you applied too to print hand-bills for the 2d of December? A. About the 26th or 27th of November; it was about a week or ten days prior to the meeting.

Q. Who made application for these bills? A. A Mr. Castle.

Q. Was any paper brought by him? (no answer).

Mr. Wetherell.—We do not know who this Mr. Castle is.

Chief-justice Ellenborough.—He must either be privy to that purpose or not; now whether he be one or the other; it is evidence, if he be a mere human being that did that.

Mr. Wetherell.—Certainly, my Lord ; then I do not object.

Q. He gave you directions for printing the bills of the 2d of November ? A. Yes.

Q. How many were you to print by his order ? A. About 4,000 of the small and 500 post or large ones, or placards

Q. Have you got one in your pocket ? A. I have one of the large ones in my pocket.

Q. Produce it ? (Here the witness produced it).

Q. This is one you printed in consequence of the order of the 26th of November ? A. Yes ; that is one of the large ones.

Q. Was you directed where to take them to ? A. When Mr. Castle gave the order, I said I would not print it unless I were paid for the former ; I had not been paid for the former bills.

Q. How soon did you print those ? A. About the day following I had got some done.

Q. When you had printed them, did you take any of them any where and to what place ? A. I took none myself ; some were delivered by my apprentice according to order.

Q. What became of the rest ? A. They were fetched away by different individuals.

Q. Do you know any of those individuals ? A. Mr. Watson, as you say his name is, was one ; I had not the pleasure of knowing him.

Q. How many might be fetched away by Watson ? A. About twenty-five or thirty.

Q. Were those the small or the large bills ? A. The large ones.

Q. Do you recollect when it was that he fetched them ? A. Two or three days after giving the order ; I should suppose about Thursday, the 28th.

Q. Had you any conversation with Watson, as to the manuscript from which those were printed ? A. No, Sir ; I had no conversation with him about the manuscript.

Q. Had you any conversation at all with him ? A. I might have had some conversation, I cannot say what we conversed about ; I dare say we conversed about politics.

Q. Had you any conversation about the bills ? A. No, not with him, but with Mr. Castle I had.

Q. You took none of the bills yourself to any place ? A. No, Sir.

Q. Were you ever paid for the last bills. A. Never for the last.

Q. For the first? A. Yes, Mr. Castle brought me the money, for which I gave him a receipt.

Q. You do not know any other individual from whom you received money but him? A. No, I cannot recollect.

(Cross-examined by Mr. Serjeant Copley.)

Q. What became of the manuscript of the last bill you spoke of? A. I do not know what is become of it: I have not seen it since that time.

Q. When the first order was given, who delivered you the manuscript? A. I do not know which of them it was; I do not know exactly which of the three, Watson was present.

Q. Was that manuscript read over to him in his presence, or did he see it? A. I read it over.

Q. How? A. In the same way as any thing else.

Q. To yourself? A. No, I read it aloud.

Q. Can you take it upon yourself to swear that Watson heard you, when you read over this manuscript? A. I really believe it.

Q. Do you swear that he heard you? A. I have already sworn.

Q. What do you swear? A. I took it and read it over.

Q. Can you take upon yourself to swear that Watson heard its contents? A. It would be almost impossible to swear to that, as a man might lend a deaf ear to me.

Serjeant Abbott.—He says that Watson was present.

Chief-justice Ellenborough.—That is quite impossible for any one to say, that another must have heard it; he says he believes he heard it.

Serjeant Copley.—That is what I wish to know from him.

Chief-justice Ellenborough.—When you asked him whether he would swear that he did hear it, he has said that he believes the person heard it.

Q. I want to know whether you will take upon yourself to swear upon your oath that Watson heard it? A. The only thing I can say as a conscientious man would be, that I read it over to him.

Q. Will you swear that you believe he heard you? A. Yes, I swear that I believe he heard me.

Q. So as to know that he knew the contents of it? A. Yes.

Q. Have you been examined before? A. Yes.

Q. Where? A. At No. 5, Stone-buildings.

Q. Was that the only place? A. Yes.

Q. That was at Mr. Litchfield's chambers? A. Yes, Sir.

Q. You have never been examined before the grand jury? A. No.

Q. When was you examined at Mr. Litchfield's chambers? A. Upon Saturday week; I never was but once.

Q. When was you called upon to go? A. About two days before my subpoena; here the printed bill in question was produced and read, as follows:—

“At a meeting held at the Carlisle, Shoreditch, on Thursday evening, the 7th of November instant, it was determined to call a meeting of the distressed manufacturers, mariners, artisans and others, of the cities of London and Westminster, the Borough of Southwark, and the parts adjacent, at Spa-fields, on Friday, the 15th instant, at twelve o'clock; to take into consideration the propriety of petitioning the Prince-regent and the legislature, to adopt immediately such means as will relieve the sufferers from the misery which now overwhelms them.—JOHN DYALL, Chairman. THOMAS PRESTON, Secretary.”

Mr. Topping.—Now we may produce the large bills.

Serjeant Copley.—I submit they are not in a condition to read the large bills, as he said he did not know the person who delivered the order. We have had no notice to produce these that were taken away by Watson. There is a notice to produce the advertisement, but not those particular papers.

Q. Mr. Topping.—Do you mean to say you do not know what became of the manuscript that was given last? A. I believe it was given besides to some individuals who came for it; I believe the copy was given to them. (Witness withdrew.)

JOHN CRISP, *called and sworn.*

Mr. Wetherell.—I object to this witness being examined, upon the ground that he purports to be in the list, John Crisp, lately No. 3, Tyler's-court, Wardour-street, grocer. Now, by the statute of King William, it is required that a list of the witnesses be delivered to the prisoners upon such indictments, with the place of abode and business, yet I see only one person of this name, and here is no description of the place of residence. Now, the

statute of Queen Anne has not been complied with in stating his residence, and as to any substitution there is no necessary explanation allowed. It is here stated "lately abiding at," but that word "lately" has no definite time: it may be betwixt months or more. You cannot give any definition "lately abiding at," but the exigency of the statute requires that form to be preserved, just in the same way as if the bill of indictment were to be delivered in nine days instead of ten; that would apply equally to every objection of the proceedings: it is not a mere objection of form, but a non-compliance with the provisions of this statute, which would throw into danger every trial for treason; for the object of it was, that the prisoner might make every inquiry about the person described that is necessary for his defence; but if he be not described as required, the prisoner cannot make any inquiry, or application, to the person whose name and place of abode is meant to be given; and the more that privilege is considered, the more value it is of to the prisoner. It is impossible for the prisoner, either directly or indirectly, to make those inquiries as to the person meant to be called as a witness, as to all matters he may conceive to be material to his defence, such as knowing who the person is, and what his character is, and what relation he has to the prisoner. Your lordships will allow me to urge that objection in another point of view, viz. if this be a competent description of one witness, it is so for all the witnesses, and, according to that argument, the 250 witnesses who have been subpoenaed may be all under this mysterious and uncertain description and anonymous place of residence, and may be in the same situation with respect to any opportunities which the prisoner may have of examining them. It is upon these two grounds that I put it, that this person is not admissible as a witness, unless described as the statutes require.

Chief-justice Ellenborough.—When you say "lately," it must have reference to the time when the list was delivered; unless a person be actually at the place at the time, it is material to inquire as to the matter of fact.

(Examined by Mr. Gurney.)

Q. Did you lately reside, before the month of May, in Tyler's-court, Wardour-street? A. Yes, Sir.

Q. How lately before the 5th of May did you quit that place? A. About three months previous.

Q. Had your affairs been embarrassed. A. Rather so, which induced me to leave that place.

Q. Were you avoiding that place in consequence of your difficulties? A. Not immediate pecuniary difficulties, but I considered it as a matter of convenience to shift my residence at that time.

Q. What number in Tyler's-court was it? A. No. 3.

Q. What business were you? A. A grocer; that has been my business throughout life.

Q. You did not carry it on there? A. No, Sir.

Q. How long have you resided there? A. About three or four months, or longer than that.

Q. After you had quitted that place, were you discovered by the solicitor of the treasury? A. When I heard that there were officers inquiring after me, and seeing my name in the newspapers, I went to Bow-street, and gave my name.

Q. Was that after the 5th of May? A. It was after my name was in the papers.

Serjeant Copley.—Q. You say you had resided in this place about three months? A. Yes, but I cannot exactly recollect.

Q. And that you had quitted this place three months before the 5th of May? A. It was about three months previous.

Q. So that for three months you were absent from this place, and you resided three months there in the whole? A. Yes, Sir.

Q. Where did you reside in the early part of May? A. I was lodging at a house in Blackwall.

Q. Did you live in that house at Blackwall when you left Tyler's-court? A. I cannot exactly say, but I resided at Blackwall for about a month.

Q. Were you residing there on the 5th of May? A. I really cannot say; I remained there about a month, and then removed from Blackwall to the place where I reside now at Chelsea.

Q. Did you ever carry on the business of a grocer at Tyler's-court? A. Never.

Mr. Gurney. — Q. Where did you first go to from Tyler's-court? A. To Blackwall.

Q. A grocer is your business? A. Yes.

Q. But you did not carry it on at Tyler's-court? A. No.

Q. Was it known at Tyler's-court where you went when you went to Blackwall? A. Yes, Sir; there was a short time, a fortnight or three weeks, intervened when I went to Ratcliffe-highway; until the last six or seven weeks I have resided at Chelsea.

Serjeant Copley.—Your inference is perfectly incorrect.

Q. Are you residing now at Chelsea? A. Yes.

Q. How long have you been there? A. About six weeks; I have been absent from Chelsea a few days; I was a short time in the country, but I have resided near two months back at Chelsea.

Q. Are you a lodger there? A. Yes.

Q. And you say when you left Tyler's-court, you did not leave word where you went to? A. I did not; that would not have answered the purpose of my leaving it.

Q. Was Tyler's-court the last ostensible place where you shewed yourself? A. I did not conceal myself; I did not wish, for particular reasons, that it should be known, but I never concealed it.

Q. Did you leave any means of finding you? A. No, I did not.

Serjeant Copley.—My lords, I submit that it is quite clear that this person cannot be examined; it is an objection in point of form, but the provisions of the act of Queen Anne were substantial provisions for protecting the party accused, and your lordships see how important it is that the prisoner should have the power of inquiring as to the witness, up to the day when the notice was served.

Chief-justice Ellenborough.—Do you give any further evidence as to this?

Mr. Gurney.—No, my lord.

The Attorney-general.—As to this the case must stand as it is at present; we inquired at the place where it was said this person lately abided.

Chief-justice Ellenborough.—Do you give any evidence as to inquiries made, so as to give the most authentic information you could get as to the place of his residence?

The Attorney-general.—I have no evidence upon that subject, and therefore if your lordships think that this is not within the provisions of the statute, I will not persevere in it.

Chief-justice Ellenborough.—You have no evidence of any inquiries made as to this person's place of abode?

The Attorney-general.—No, my lord.

Chief-justice Ellenborough.—Then it does not appear that it was his latest place of abode, nor that you made inquiries as to whether it were so or not; I think the objection is sustainable. (This person accordingly withdrew.)

GEORGE LEWIS sworn (*examined by Mr. Gurney.*)

Q. Are you a hackney-coachman? A. Yes, Sir.

Q. Upon the 15th of November last were you driving your hackney-coach? A. Yes, Sir.

Q. Were you taken by any person to Spa-fields? A. Yes.

Q. Do you know any of the persons who went with you in your coach to Spa-fields? A. I should know one if I were to see him.

Q. Were there one that went on the box with you?

A. Yes.

Q. The others inside? A. Yes.

Q. Was that the one you would know if you saw him?

A. No, Sir.

Q. Look and see whether you perceive in the court any of those persons that you took in the coach? A. (Witness looking about.) Neither of them.

Q. Did you go near to the public-house, called the Merlin's-cave? A. Yes, but stopt before I got there.

Q. Did either of the persons who went with you have any stick or wand? A. The man who went upon the box with me had a wand.

Q. When you arrived at Spa-fields was any thing done to that wand? A. Not at first.

Q. Was any thing done at any time? A. There was a flag tied to it.

Q. What kind of a flag? A. One of different colours.

Q. How many colours? A. I do not know.

Q. Did any person speak from the top of your coach? A. Yes, Sir.

Q. Who was that? A. A Mr. Parks.

Q. Was there a large concourse of people there? A. Yes.

Q. And he made a speech from the top of your coach? A. Yes.

Q. Afterwards did any other person begin a speech from your coach? A. No, Sir.

Q. Where was you desired to drive to? A. I was ordered to drive to the Merlin's-cave.

Q. Did Mr. Hunt come? A. Yes, Sir.

Q. Did he address the people from your coach? A. No, not from my coach, but first from a chariot.

Q. Did he go to any other place? A. Into the house.

Q. How many persons got into your coach to go any where? A. Four; and then the people dragged my coach, till they run it against a brick-wall.

Q. What became of the four persons that were in your coach? A. They all jumped out, and left me.

Q. Then you were not paid your fare? A. No, Sir.

Q. After that did you go to the hotel in Bouverie-street? A. Yes.

Q. Did you go into the room where Mr. Hunt was? A. Yes.

Q. Whom did you see with him? A. Several gentlemen were sitting in the room with him.

Q. Have you since seen no one of them at all? A. None at all.

Q. Did you afterwards go to Greystoke-place? A. Yes, Sir.

Q. Did you there see any persons you saw at Mr. Hunt's? A. No.

Q. Whom did you see at Greystoke-place; or did you see any? A. Yes.

Q. Name them? A. The young man whose name was said to be Hooper, and two others.

Q. Had you seen Hooper in the hotel at Bouverie-street? A. No, Sir.

Q. Did you see any persons that were with you upon that day? A. No.

Q. Did you see any of the prisoners? A. (Witness looking at them,) No, Sir.

Q. Look at either of those three persons sitting between the warders, and say whether you saw either of these persons at Greystoke-place? A. No, I don't recollect either of their faces.

(Cross-examined by Mr. Wetherell.)

Q. How near did you drive your hackney-coach to the Merlin's-cave? (No answer.)

Chief-justice Ellenborough.—Since this examination in chief is abortive, is there any reason for cross-examining him?

Mr. Wetherell.—We shall have so many other witnesses as to Spa-fields, that I will refrain from putting any questions to this witness upon the subject. (Witness withdrew.)

JOHN MONKHOUSE sworn (examined by Mr. Richardson.)

Q. I believe you are the person who keeps the Merlin's-cave in Spa-fields? A. Yes.

Q. Do you remember the meeting in Spa-fields in November last? A. Yes, Sir.

Q. We have been told a hackney-coach came there; did any person arrive before the coach came to the field? A. Yes.

Q. How many? A. About a dozen.

Q. Do you know the names of any of them. A. Yes, Mr. Preston and Mr. Dyall.

Q. Do you know them only by name or by person? A. By both.

Q. Do you see Mr. Preston now in the court? A. Yes, that is Mr. Preston, I believe: (Witness pointing him out.)

Q. Did you or not learn from them, whether they had any thing to do in calling the meeting? A. No, I did not.

Q. To what part of your house did they go? A. They went up to the front-room in the one pair of stairs.

Q. Fronting towards the field? A. Yes.

Q. How did they employ themselves till the others came? A. They called for pen and ink, and were writing for a considerable time.

Q. Did they remain there till Mr. Hunt came? A. I saw them there several times, and, I believe, they did remain there the whole of the time.

Q. Did Mr. Hunt address the people there? A. Yes, but he addressed them in the field before he came there, and afterwards he came into the house, and forced his way up stairs.

Q. What do you mean by forcing his way up stairs? A. I endeavoured to stop him, and said it would not be agreeable to me for him to go up stairs, and he said that was of no consequence, he should go up.

Q. What was further done? A. He went up-stairs, and one of the windows was taken out, the lines were cut,

and the headings taken down, and the window taken out by the persons who were there.

Q. Can you state who the persons were that did that?

A. I cannot say of my own knowledge who the persons were, but I was told.

Q. Were you so told in the presence of Preston. A. No, Sir.

Q. Do you know the person of either of the Watsons?

A. I was told.

Q. Do you know the person of Mr. Watson the prisoner now under trial? A. No, I do not.

Q. Upon the 2d of December did you, or not, see any of the same persons at your house? A. Only Hunt, a person of the name of Clark, and another person of the name of Dyall; I did not see Preston there the second time.

(Cross-examined by Mr. Wetherell.)

Q. You say you did not like Hunt coming up to your room? A. No, I did not.

Q. Did he make a speech from the window of your room after being in the coach? A. Yes.

Q. Did you hear that? A. I only heard part of it.

Q. What was the nature of that speech? A. I cannot say what it was.

Q. Was it a speech exhorting the people to redress their grievances? A. Yes, I believe it was.

Q. Were you near enough to have heard the whole of it? A. I was near enough to hear, but I did not particularly attend to it.

Q. Do you recollect Mr. Hunt stating to the people that the public charity offered them was an insult? A. No, Sir.

Q. Was you attending to his speech to enable you to give an account of it? A. No, I was not.

Chief-justice Ellenborough.—He was neither near enough nor attentive enough to state it.

Q. Do you recollect his saying any thing of that subject? A. I told him at the time they were cutting out my window, that they should not cut it out.

Q. Do you recollect his saying that it was a better place to hear him? A. No, Sir.

Q. Did he say any thing about your stating that he should not come there again? A. I told him that he

should not speak out of my window, neither he nor any other man again.

Q. After that did he force his way up? A. Yes.

Q. Did you then speak to him as to his not speaking again? A. I went to him at the Old Hummums at Covent-garden.

Q. Did you forbid Mr. Hunt coming again to speak from your window? (No answer.)

Chief-justice Ellenborough.—Without calling upon Hunt it comes to nothing.

Mr. Wetherell.—The procuring of the waggon is an overt-act charged against the prisoner, and I therefore took the liberty of putting it as a matter of fact whether he communicated that to him.

Chief-justice Ellenborough.—As a matter of fact it is not necessary.

Q. When Mr. Hunt spoke upon the 15th of November, was there a flag in the room? A. Yes.

Q. Was it possible that Hunt could avoid seeing that flag? A. It was improbable.

Q. Do you recollect that there was an inscription upon the flag? A. There was an inscription, but I cannot say what it was; it was of different colours, upon the first day, when I told Mr. Hunt that he should not speak from my windows, they told me that I had nothing to do with the business.

Q. Was the person who carried the flag, one of those who forced himself up with Hunt? A. I do not recollect.

Q. Do you chance to know a person of the name of Castle? A. I do not know that I do.

Q. Did the person who forced his way into the house use any forcible means? A. No.

Q. Was there a magistrate there? A. There was a magistrate.

Q. Was he there when Hunt was speaking? A. Yes, Sir.

Q. Who was the magistrate? A. Mr. Rainsford.

Q. Could he avoid hearing him? A. No, I should think not.

Q. How long did they continue? A. From one o'clock till five.

Q. Was the flag in such a situation that Mr. Rainsford must have seen it? A. I cannot say, he was in the room.

Q. The casement was taken out of the window? A. Yes, Sir.

Q. Could a person looking towards the room have seen it? A. No, there was so many up before it.

Q. Supposing that Mr. Rainsford had come into the house afterwards, must he have seen it? A. Yes.

Q. Had you any police-officers in your house? A. Yes.

Q. Whom were they? A. Mr. Wood was there.

Q. Any other? A. Mr. Smart, the clerk of the Holborn division.

Q. You employed a number of persons to avoid accidents? A. Yes.

Q. How long altogether were they there? A. They met in the room about two'clock, I believe.

Q. Did you see any other magistrate there? A. There might be others, but I did not see any other.

Q. There were others who spoke besides Mr. Hunt? A. Yes.

Q. Do you recollect their names? A. No.

Q. Was Mr. Hunt's speech cheered by the mob? A. Yes.

Q. Was there a great deal of it? A. I heard it repeatedly.

Q. How many people were collected around your house when the orator was going on? A. Some persons said there were 20,000; I dare say there might be 20,000.

Q. Do you recollect Mr. Hunt's saying any thing about adjourning this meeting to the 2d of December: was there any thing about that? A. I did not hear it myself, so that I cannot state it.

Q. Did you hear it generally stated, that it was to be an adjourned meeting? A. I heard it stated generally.

Q. Do you recollect the day stated for the meeting? A. Yes, it was the 2d of December.

Q. Did you hear Mr. Hunt say so? A. No, Sir.

Q. Was this stated in your room for the bye-stander to hear it, or only the persons in the room to hear it? A. I cannot say.

MICHAEL JOHN FITZPATRICK sworn (examined by Mr. Shepherd.)

Q. Were you at the Spa-fields meeting upon the 16th of November last? A. Yes.

Q. At the Merlin's-cave? A. Yes.

Q. Were there many there? A. Yes, a great number.

Q. Do you know the elder and younger Watsons. A. Yes, Sir.

Q. Where they there? A. Yes, Sir.

Q. Do you know Preston? A. Yes.

Q. Was he there? A. Yes.

Q. Was Mr. Hunt there? A. Yes, and a person of the name of Dyall, whom they wanted to get upon the table to read the resolutions, he got up and was prevailed upon to come down again, and shortly after that Hunt came in.

Q. Was it stated why Dyall did not read the resolutions proposed? A. No, Sir.

Q. Was Watson there all that time? A. Yes, I saw him just as Hunt came into the room.

Q. Did Hunt move any resolutions? A. Yes, he spoke for a couple of hours.

Q. Was Hunt there at first, or did he come in after? A. He came in subsequently.

Q. Did he move an adjournment? A. Yes, Sir.

Q. To what day? A. To the first day of the meeting of parliament.

Q. Was any other day moved instead of that? A. Young Watson came forward and moved, that instead of that day, it should be that day fortnight, but it was afterwards made Monday fortnight.

Q. Did Preston make any observations as to the meeting? A. I heard him observe, that this was a most glorious day, as they had 100,000 countrymen upon the field.

Q. This was upon the 15th of November? A. Yes, the first meeting.

Q. And Monday fortnight would have been the 2d of December? A. Yes, Sir.

(Cross-examined by Serjeant Copley.)

Q. You have told us of something that passed in the room before Hunt came there? A. Yes, Sir.

Q. Between Dyall and Preston? A. Yes, Sir.

Q. You did not observe Watson in the room? A. I did not observe him.

Q. You cannot say that he was present when that conversation between Dyall and Preston took place? A. No, I stood next to Watson, between him and his son.

Q. There was a great many persons accompanied them? A. Yes, Sir.

Q. Was that after Mr. Hunt had made this speech of two hours' length that this observation was made by Watson? A. Yes, Sir.

Q. You tell us that something was said about the day of adjournment, and that Watson proposed that it should be Monday fortnight? A. First of all, it was that day fortnight, and it was mentioned to him, that it should be Monday fortnight, and he adopted it.

Q. Was that day proposed by Mr. Hunt? A. No, Sir, it was proposed by young Watson, and seconded by some other person.

Q. Were there not resolutions at that time proposed to the persons assembled? A. The resolutions were moved before, and this was an amendment made by young Watson.

Q. After that, did Hunt propose that to the people assembled? A. Yes, Sir, it was put by the chairman, a person of the name of Clark.

Q. And that was carried by the meeting generally? A. Yes, Sir.

Q. Was it not afterwards promulgated among the other resolutions of the day? A. Yes, it was put and carried.

Q. I want to know whether Mr. Watson, when this resolution was put by his son, did not interfere to prevent it: when the alteration of the day of adjournment was proposed, did Watson, sen. interfere or not to prevent it? A. No, Sir.

Q. Do you mean to say that you did not observe it, or that he did not do so? A. I did not observe him interfere at all; I will say that he did not interrupt his son, or oppose the motion that was made.

Q. Was it debated at all? A. It was merely put by the chairman.

Q. Was it debated by any of the persons there assembled, whether that resolution should be adopted or not? A. No, Sir, but immediately upon being put it was adopted.

Mr. Shepherd.—Q. Was it proposed by young Watson as an amendment to Hunt's resolution? A. Yes, Sir. (Witness withdrew.)

MR. VINCENT GEORGE DOWLING, sworn (examined by the Attorney-general.)

Q. Were you at the meeting at Spa-fields upon the 15th of November last? A. I was, Sir.

Chief-justice Ellenborough.—It is to be understood, that no part of these proceedings are to be published pending the trial.

Q. Where were you in the fields: were you in the public-house called the Merlin's-cave? A. I was out in the fields.

Q. Was there a large number of persons there? A. A very great number.

Q. Did you hear Mr. Hunt address the populace? A. I did.

Q. From what place? A. From the window of the Merlin's-cave public-house.

Q. Did you see any flag at that meeting? A. I did.

Q. Where was that displayed? A. From the window of the Merlin's-cave public-house.

Q. What colour was that? A. A tri-coloured flag, green, white, and red.

Q. Was there any inscription upon it? A. Yes, Sir.

Q. Do you recollect what that was? A. I cannot recollect the precise words; it was as to Justice, Humanity and Truth, but I do not recollect what; I could identify the flag if I saw it.

Q. Was there any motion of adjournment made by Mr. Hunt? A. To the first day of the meeting of parliament.

Q. Did you hear any body propose any amendment to that? A. The younger Watson first proposed that it should take place as that day fortnight, and subsequently as Monday fortnight, which would be the 2d of December.

Q. How long did they stay there from the first to the last? A. I should imagine from one o'clock till nearly five.

Q. Did you after that attend the meeting of the 2d of December? A. I did.

Q. Had you seen any advertisements stuck up as to that second meeting? A. I had.

Q. Have the goodness to look at that large placard, (shewing it.) A. That I believe to be a copy of the placard to which I allude, and which I saw upon the wall antecedent to the meeting.

Chief-justice Ellenborough.—That was printed by the former witness Sele.

Attorney-general.—Yes, my lord.

Mr. Wetherell.—That large one has not been brought home to the prisoner; the large one is different from the small.

Serjeant Copley.—I took an objection to that, and the ground of it was, that there could not be evidence as to the one that Watson took away.

Chief-justice Ellenborough.—You should wait till they have completed their proof, and then we will be right for that decision. I think that the printer said that he had printed several, and that Watson took them away.

Mr. Wetherell.—The small one was taken away, but there was no evidence as to the large one.

Judge Bayley.—He said the contents of all were the same. If they be all considered as originals, then you may read any one of the originals, whether those were carried away or not.

Serjeant Copley.—Will you allow me to suggest that these were printed from the manuscript; they cannot produce the manuscript, and they are not to produce that which is a copy of the manuscript, and therefore Watson should have had notice to produce it. Your lordships know the case as to a letter which was copied by a machine, in which you thought that that would not dispense with the rule as to having the original; so in this case the manuscript has not been proved to have been lost, and therefore it should be produced, or some account given of it.

Chief-justice Ellenborough.—The prisoner took away twenty-five impressions.

Serjeant Copley.—Castle was there alone; he did not accompany Castle.

Chief-justice Ellenborough.—These were twenty-five copies out of one common impression.

Judge Bailey.—Your objection against one of them was, that we could not receive this, as this was not the very document that was in the possession of Watson, and that Watson should have received notice, in order to produce those twenty-five that were carried away, and that any other evidence of the contents was secondary to this; now it seems to me that that was not the case, as every one of these was an original.

Serjeant Copley.—My objection was this, the first manuscript was left with the prisoner; he gives no evidence of the loss of the manuscript, but says, that those are copies of the manuscript; he cannot give them in evidence to shew that they correspond with the original; they are duplicate copies, but it does not follow that they are all alike, neither in law nor in point of fact. If we withhold that which we took away, it cannot be given in evidence to shew that that was the original. According to the case I have already stated, where a letter was copied by a

machine, Lord Ellenborough decided that that did not vary the law, and that evidence as to copies and originals were entirely the same. They must shew that that original corresponds with that which was taken away. They have, to a certain degree, confessed that they felt the weight of the objection. This was not produced as evidence to shew what was the contents of the document; if it had, there would be weight in your objection, but it is in evidence that every one of these are from the same press.

Mr. Wetherell.—The object of the witness first called was to shew that the manuscript was to be brought home to one of the prisoners, and if they fail in proving the matter of that placard, they cannot adduce it as evidence at all. The entire drift of this placard is to shew the matter of it. I understood that it was put in conditionally, in order that the matter might be brought home to the prisoners at the bar, and therefore, the Lord Chief-justice said, that unless something further were shewn, it was only evidence of a placard being put in by it. This not being done, the prosecutor is not to be heard to prove the matter charged, when we have been told the matter charged was treason and sedition. How does this stand? No copy of the manuscript is verified by the printer; but it turns out that the copy is to be put in—for what? For no other purpose but to read the matter of it, and then the matter of the placard is not brought home to the prisoner. They cannot produce it even for the evidence of the date, but they do not do that, but they produce it to shew what was the matter contained in it, so that here is an unproved copy of an alledged original, and the alledged original is brought home to nobody.

Judge Abbott.—I am of opinion that this paper is now to be read in evidence. If it were to be given to shew the contents of the manuscript originally given, it might be objected to; but there is another view in which it appears to me that there has been sufficient done to allow this paper to be read. Here is a meeting held at Spa-fields, upon the 2d of December, and it is attempted to be proved, that Watson and others were there, and that he knew the contents of the placard that had been posted about this town, relating to that meeting, and giving notice of it; this fact is proved, that a printer, having printed a large number of bills, namely, 500, exactly like that traced into the hands of Watson, does not that shew that Watson knew the contents of this paper which was placarded

about the streets, and the nature of that meeting? If it were to shew the contents of that paper, it might not be proper to read it, but for this other object it is.

Judge Holroyd.—I am of the same opinion; it is not a question of copy and original, but the question now before the court is, that this being printed, by the order of two persons, the prisoner at the bar comes and takes away twenty-five of them; this shews that he was aware that there was an order for these things, for which he comes, and which he gets; the question, therefore, is, whether this be sufficient proof that the prisoner took away a part of the impression which was printed, and that he had a knowledge of the contents of these things which were thus placarded. For these reasons, in addition to the others already given, I am of opinion that it should be received.

Chief-justice Ellenborough.—To prove a particular knowledge of the contents of a newspaper, it has been decided, that the person having that alledged knowledge took in that paper, and then you may prove the contents of it by giving another copy of it in the evidence.

Here the placard alluded to was put in and read, as follows:—"England expects every man to do his duty." The meeting in Spa-fields takes place on Monday, December 2, 1816, to receive the answer of the petition to the Prince-regent, determined upon at the last meeting held at the same place, and for other important considerations.—The present state of Great Britain:—Four millions in distress!!!—Four millions embarrassed!!!—One million and a half fear distress!!!—Half a million live in splendid luxury!!!—Our brothers in Ireland are in a worse state: the climax of misery is complete: it can go no further. Death would now be a relief to millions. Arrogance, folly, and crimes, have brought affairs to this dread crisis. Firmness and integrity can only save the country.—After the last meeting, some disorderly people were guilty of attacking the property of individuals. They were ill-informed of the object of the meeting; it was not to plunder persons suffering in these calamitous times, in common with others; the day will soon arrive when the distresses will be relieved. The nation's wrongs must be redressed.—JOHN DYALL, Chairman. THOMAS PRESTON, Secretary."

Q. The Attorney-general.—You had seen placards like this stuck up in different parts of the town? A. I had.

Q. You went to the meeting of the 2d of December?
A. Yes.

Q. Did you observe that there were many people assembled there? **A.** A considerable number.

Q. At what time of the day did you go there? **A.** About eleven o'clock in the forenoon.

Q. Did you observe any waggon drawn into the field?
A. Upon my arrival on the field, I went to the Merlin's-cave; I went into the fore-room, and from the window of that room I observed a crowd assembled at a distance; in consequence of that, I proceeded from the Merlin's-cave to the spot where the crowd was assembled; upon my arrival there, I observed several persons; some of whom bore flags; one of them I recognised to be the same flag which I had previously seen upon the 15th of November, exhibited from the Merlin's-cave window; the second flag was of a smaller description, but it was tri-coloured, and bearing the same colour with the larger one; there was some men bearing a banner, or a large square piece of white cloth, upon which was inscribed the words, "The brave soldiers are our friends, treat them kindly;" some of the persons assembled wore tri-coloured cockades, corresponding in colours with the flags I have already alluded to. The centre of attraction seemed to be a waggon, which I then perceived, for the first time; into this a great number of persons ascended. There was considerable confusion, but after a little lapse of time, I observed the prisoner, Watson, mount upon the waggon, and wave his hand as if to entreat silence.

Q. Did you see any other persons in the waggon, whom you knew and recognised? **A.** I saw the elder Watson, Hooper, and the younger Watson; Mr. Preston I saw subsequently after the speeches were delivered. Preston was elevated above the rest of the crowd; and he was either ascending or descending, I cannot tell which.

Q. Were you near enough to hear, when he addressed the crowd? **A.** I was quite near enough; in fact, I was within ten yards of the waggon.

Q. Can you repeat any part of what he said? **A.** Yes; and I took short-hand notes of it.

Mr. Wetherell.—I submit that that should have been set out as an overt-act in the indictment. They have not stated the substance of these speeches.

Chief-justice Ellenborough.—**Q.** Did you ever know that it was necessary to put in an indictment the statement of

all that passed. Has there ever been an instance, in any of the trials for high-treason, in which generalities have not been stated, without stating particular speeches or consultations?

Judge Bailey.—In the case of the King v. Francia, it was argued that the contents of a letter were not stated, and therefore could not be proved, but it was thought sufficient and proper proof.

Serjeant Copley.—In that case there were certain letters of the King of France, setting out the object in view; the substance of these letters were stated to shew that letters were written by the French king, to forward troops for the object of the enemy; and in Mr. East's book, in the margin, he says, that it was objected in arrest of judgment, that the words of the letters were not set forth. In another case, the words were set out in French, and the import stated in Latin. In Dr. Drake's case it was stated, in general terms, that he made inflammatory speeches, but it did not give the substance of any of them, and therefore particular statements were not allowed to be proved; and I may say, that there is not a single instance any where to be found to the contrary.

Chief-justice Ellenborough.—Was there any instance in the trials of Hardy or Horne Tooke, where that point occurred?

Mr. Wetherell.—Here the speeches were not alledged as treason.

Mr. Gurney.—Paine's Rights of Man were given in evidence, and the speeches given at Sheffield.

Chief-justice Ellenborough.—Can there be a doubt that this is evidence as to the count for levying war? It is evidence *quo animo*, the thing was done.

Mr. Wetherell.—I will venture to say that no record of this sort was ever seen in the crown-office; we do not know whether it be levying war or conspiring the king's death; and from other counts, it appears that the statute of William is not complied with; if the treason consists in a speech made, how can we know what it is, unless a statement of the speech be set on upon the record.

Chief-justice Ellenborough.—It is perfectly clear, that it is enough to state the allegation generally, and not necessary to state the particular words.

The other judges concurred in this opinion, and the examination was continued.

The Attorney-general.—Q. You said that you took in

short-hand what Watson said to the populace? A. I did.

Q. You have got your short-hand notes here? A. I have, Sir.

Mr. Wetherell.—Q. When did you take that note? A. Upon that very day.

Q. When did you copy it out? A. I copied it that evening, and here is the short-hand note itself, the one is a correct copy of the other, only the short-hand is taken with a pencil, and in a crowd, and may be difficult to read, but I can read the transcript with more ease.

Mr. Wetherell.—I shall shew that this short-hand writer is mistaken, at least in one word.

Witness.—I may be so, but I can only say that it is as correct as it could be taken, under the circumstances of the case.

The Attorney-general.—Q. Read your account of what passed? (Here the witness read from his notes the report of the prisoner Watson's speech.) A. I conceived that Mr. Watson had concluded his speech very abruptly; and it may be proper to observe, that this is not a literal report as it appeared in the papers.

Q. Did any other person address the populace afterwards? A. The younger Watson did address them.

Q. Did you hear what he said? A. Yes, I did.

Q. Did you take short-hand notes of what he said? A. Yes, I did.

Q. Read it? (Here the witness read the speech of the younger Watson.) A. At that moment young Watson seized the tri-coloured flag in his hand, and jumped down from the waggon, and many followed him, and he went heading the mob towards Coppice-row: all who were in the waggon jumped down, as if influenced by the same spirit.

Q. At the time young Watson was speaking, did you observe where the elder Watson was? A. In the waggon. I did not take particular notice who jumped down, but all jumped down in a moment.

Q. Did they all proceed together in a mob, these that were in the waggon? A. As far as I observed they did.

Q. Did you observe whether any person who was in the waggon had cockades? A. I did; I think Hooper had a tri-coloured cockade, and I think the younger Watson had, but I am not so certain as to the elder.

Q. Did you see Preston about the same time that they were in the waggon? A. I did.

Q. Where was he? A. He was elevated upon some part of the waggon, but my attention being directed to my notes, I was not able to take a close observation of every person there.

Q. You saw the younger Watson seize one of the flags and jump down; which was that? A. I think it was the larger one.

Q. Did you observe the mob till they came to Coppice-row? A. I did.

Q. What distance was that from the waggon? A. I should suppose about a couple of hundred yards.

Q. When they came to Coppice-row, did you see a person of the name of Stafford? A. Yes, Sir.

Q. What is he? A. I always understood him to be chief-clerk at Bow-street office.

Q. Did you see what he did? A. I saw him impede the progress of the mob, and the smaller flag was seized and put down, I mean the one which bore a certain inscription, as I have already stated. I conceived that the larger flag changed hands, but who it was it went to I could not exactly observe.

Q. How far did you follow them? A. I stopt for a short time. I knew the police-officers was stationed at that corner; and I observed the elder Watson standing still, but the crowd rushed down Coppice-row: I followed them a part of the way: I was induced to go back to acquaint the magistrates with what I heard, and what I conceived to be the intention of the mob.

Q. What was the cry of the mob? A. Some said to the Tower, and some to the Bank; I did not see those that spoke, but I heard them; some persons said to the Tower, and some to the lord-mayor.

Q. Did you observe whether any person in the mob had arms? A. I saw one man with a sword or cutlass, and on another man I saw the butt-end of the pistol in his breast.

Q. What did you believe it to be that you saw? A. A pistol was what I conceived it to be; I had no motive at the time to magnify the appearance of things.

Q. Did you follow them immediately? A. I returned to a house near the Merlin's-cave, and afterwards went towards the city.

Q. Did you afterwards go towards the city to know what was doing? A. I did.

Q. I think you said that you saw the elder Watson at the corner of Coppice-row? A. I did.

Q. Did you see what became of him? A. I afterwards met him with a portion of the crowd which had gone towards Coppice-row, with those people following in the same direction. They were not going with the same rapidity, but in the same direction as before.

Q. Did you go into the city afterwards? A. I did.

Q. Did you, in any part of the city, come up with any part of the mob? A. I did.

Q. Where did you first see them in the city? A. In the Minories.

Q. What way did you go to the city? A. I passed through Skinner-street, and I then saw Mr. Beckwith's shop demolished.

Q. That is before you come to Newgate-street? A. Yes, Sir.

Q. Was the mob in Beckwith's house at that time? A. No, Sir.

Q. In what state was the house at that time? A. In a very delapidated state.

Q. Where did you come up with the mob? A. At the Minories.

Q. In what state were they at that time? A. I saw the house of Messrs. Brander and Potts, gunsmiths, which bore the appearance of being treated as Mr. Beckwith's; and that of Mr. Rae also, upon the opposite side, in the same street, demolished in like manner. In the front of Mr. Rae's shop were some pikes and guns, and a wild-duck gun, or long-gun, piled up in the front of the shop, in the street; the windows of the shop itself were quite demolished. I met 300 or 400 of the mob coming up the Minories; some were armed with guns, and some with pistols; some had discharged them, and some were discharging them, nearly opposite to Brander and Pott's house; they were armed with guns, pistols, cutlasses, dirks, and weapons of various descriptions; as also a small brass carronade, or brass piece of ordnance, upon wheels; it was drawn by sailors; two sailors drew it in front, and a marlin-spike guided it.

Q. Were they part of the mob? A. Persons of that description riotously acting; some were discharging these pieces, but apparently without the intention of committing mischief.

Q. How long did you continue with the mob? A.

Till they were dispersed by the horse-guards, which was in about ten minutes or a quarter of an hour ; after that they were marching up the Minories, and I heard some of the persons cry, to " Spa-fields."

Q. Were they returning towards Spa-fields ? A. Yes, in that direction, up the Minories ; and I heard some of them cry out, to " Spa-fields ;" they were then returning, after the mischief had been done.

Q. Did you go back to Spa-fields with them ? A. I did, after the mob had been dispersed.

Q. Were you present when the mob was dispersed ? A. I saw them running in all directions, and I suspected they were going there.

Mr. Wetherell.—Q. You have suspected upon every occasion ? A. I saw them running, and conceived that the cause of their running was the horse-guards.

Q. Had all the persons dispersed at Spa-fields ? A. There were a great number of persons, and a numerous meeting, at Spa-fields, when I got back.

Q. Do you know whom any of the persons were who cried out, " to Spa-fields," from among the mob ? A. I cannot do so ; it was a mixed mob of boys and men, and sailors and others.

(Cross-examined by Mr. Wetherell.)

Q. Pray have you applied for any office under government ? A. No, Sir, I have not.

Q. Have you any promise of any place or reward of any kind ? A. No, Sir.

Q. Have you ever said that you had any promise of any reward ? A. I have been promised reward for my labour as a short-hand writer.

Q. You never said that you was promised any reward or employment from government ? A. No, I never did.

Q. In any shape whatever ? A. I certainly have said that I expected to be rewarded for my labour as a short-hand writer.

Q. Do you mean to say that what you said was confined to your services as a short-hand writer ? A. Yes, Sir.

Q. Did you confine yourself to your wages, as a short-hand writer, or speak of it generally ? A. I spoke of it generally, for the trouble I had had.

Q. Have you ever said that you expected some reward from government : not limited to that of a short-hand writer ? A. I said generally, that I expected reward for

my trouble, but never said that I expected any particular situation.

Q. And never hoped for any particular place? A. No, Sir.

Q. Reward was it? A. Reward means, reward for what I did in short-hand; I expect something per folio beyond what I have written.

Q. By whose directions did you attend the meeting of the 15th of November? A. I believe I did not receive any directions to go that day as a short-hand writer.

Q. Were you sent by any one, and by whom, in your character, to attend the meeting that day? A. No, I was not, it was left to my own discretion.

Q. Who left it to your own discretion? A. I am connected with a public newspaper, and have been connected with newspapers for some years, and it is my duty to give them that which is in my power; I cannot say whether or not I suggested to attend upon that day, and they approved of it, but I went there as a newspaper reporter.

Q. Who desired you to attend upon the 2d of December? A. I rather think the proprietor of the Observer newspaper.

Q. Had you any directions from any magistrate or police-officer, or any secretary-of-state? A. I had not.

Q. What are the grounds of your expectation of remuneration? A. For labour performed; I was sent subsequently.

Q. Were you upon your oath directed, upon the 2d of December, to attend by government? A. I was not; when I was at the Merlin's-cave, I was requested by the gentleman who assists Mr. Gurney, to assist him; I conceived myself under his immediate employment.

Q. How came you to think that you was under his employment? A. I conceived myself under Mr. Green.

Q. Who is Mr. Green? A. He is clerk to Mr. Gurney.

Q. Having taken these notes of the 2d of December, to whom did you give them? A. To Mr. Beckett.

Q. Who is he? A. He is under secretary-of-state.

Chief-justice Ellenborough.—I am at a loss to know whether it be necessary thus to divulge the sources of the information of government.

Mr. Wetherell.—In the case of Horne Tooke, a distinction was taken as to protecting the name of the informer.

Judge Abbott.—If I be not mistaken, I think that counsel in that case were not allowed to ask a witness whom that person was.

Mr. Wetherell.—The objection first occurred as to whom the communication was made, in order that that person might be a link between government and the individual, but they were not prevented asking whether they had given directions. I am not asking as to matters of secret information, but the matter of fact, as to who delivered it.

Here Mr. Justice Abbott read some notes, which his lordship had taken, of the case of Horne Tooke, upon this subject, before that printed trial came out.

Mr. Wetherell.—The particular point arose there upon protecting the middle man as their agent, but it was not decided whether a party might not ask as to any communication made to the secretary-of-state. In the case of Horne Tooke, it was admitted that you had a right to know to what magistrate the communication was made.

Chief-justice Ellenborough.—A communication made by a party to government, is the communication of government itself, and he has no right to divulge it; it is a secret of government, and you have no right to examine into it.

Witness.—If I may be allowed to explain the matter, I will do so.

Chief-justice Ellenborough.—I do not allow you to explain the matter, as it is the secret of government, and not of yourself.

Q. You communicated this to Mr. Beckett, the under secretary-of-state? A. Yes, Sir.

Q. When did you communicate your notes? A. I think it was the ensuing morning.

Q. Did you give him, upon the ensuing morning, the verbatim copy which you have read to-day? (No answer.)

Chief-justice Ellenborough.—I do not know that the secrets of government are to be so entered into.

Q. Did you communicate to the under secretary-of-state a full copy of your notes? A. I communicated a rough copy, which was intended for newspaper insertion; it was not so exact as that which has been communicated now.

Q. Did you see in the papers next morning what was given by you? (No answer.)

The Solicitor-general.—You must produce the paper.

Mr. Wetherell.—It is a fact to shew that it was in the paper next morning.

Q. Did you give your notes to Mr. Hone's publication? A. No, indeed, I did not.

Q. This you say was given next morning? A. I communicated to Mr. Beckett next morning that I had a note, and gave him the transcript in the evening.

Q. Did you take a note of the words which were upon one of the flags? Was it "Friends or Brothers?" Did you exactly transcribe the words upon one of the flags? A. I said I believed it to be "The Brave Soldiers are our Friends, treat them kindly."

Q. You will not swear positively whether it were Friends or Brothers? A. No.

Q. You took the best note you could? A. Yes, certainly.

Q. Was there a good deal of noise when this was going on? A. No, they were pretty quiet; they were all attention to the speaker, occasionally there were shouts, which did not end immediately.

Q. What time of the day was it, to the best of your recollection, when the speeches of the Watsons ended? A. I think it must have been about half-past twelve.

Q. Was the younger Watson's the last speech that was made? A. I think it was.

Q. Who else spoke? A. Nobody else that I heard.

Q. Were you in a situation in which many saw you taking notes? A. Certainly, and many did.

Q. In what part were you? A. In front of the waggon.

Q. Was the interval between you and the waggon filled up by the crowd? A. Yes, Sir.

Q. Did you see then any of the police-officers about? A. I did not perceive any.

Q. Did you then see Mr. Stafford? A. No, I did not.

Q. Do you happen to know many of them? A. I know many of them, but I cannot say that any of them were near me, when at the waggon, that day.

Q. Did you speak to Stafford? A. I did not speak to him.

Q. Where did you see him? A. I saw him at the end of Coppice-row.

Q. Did you see him in any part of the crowd before the speeches closed? A. No, I did not.

Q. How many minutes was it after the speeches closed, that you saw him taking the flags? A. About three or four minutes, and then I saw him and the flag fall.

Q. You went to the magistrate; what magistrate did you go to? A. I believe it was Mr. Baker.

Chief-justice Ellenborough.—I do not conceive it is necessary to go into these communications.

Mr. Wetherell.—It is to shew the publicity of the meeting, and the pre-determination of government as to the meeting.

Witness.—There were two or three magistrates in the room when I made the communication.

Q. Who were these magistrates? (No answer.)

Chief-justice Ellenborough.—I think I must forbid him to answer.

Mr. Wetherell.—My point is not to inquire what passed before the magistrates; but as to the circumstance that was communicated.

Chief-justice Ellenborough.—But not what he communicated; you may shew that there were many magistrates that looked on and saw what passed.

Mr. Wetherell.—That is my point, my lord. I do not go to any communication that passed with the magistrates.

Q. What magistrates were there in Spa-fields? A. In a house beyond the Merlin's-cave, I think there were three magistrates.

Q. Who were they? A. I believe one was Mr. Baker, but it was one belonging to Hatton-garden office.

Q. How many yards were between you and that house, the Merlin's-cave, when the speeches were made? A. I cannot say, perhaps, about 400 or 500 yards.

Q. You went to the magistrates? A. Yes, I did.

Q. Were there any police-officers with the magistrates? A. There were.

Q. How many? A. I met one or two in the passage, and one of the police-officers shewed me the house where they were.

Q. Did you happen to go to the top of the hill to see whether there were any dragoons? A. I did not.

Q. Did you look about to see any red coats? A. Nothing of that sort caught my eye.

Q. Did you go to any of the magistrates at the Spa-fields prison? A. No, Sir, I did not.

Q. You do not know, as a fact, whether any of the magistrates were there or not? A. I do not.

Q. You say, Sir, that you saw one man there as you believe with a pistol? A. Yes, Sir.

Q. Did you see any body else with any arms there? A. I saw another with a short sword.

Q. Are you sure about the pistol, or not? A. I have already said, that I believed it to be a pistol, from appearance, but I cannot swear positively that it was a pistol.

Q. You saw the tri-coloured-flag? A. It was white, green, and red.

Q. You called it the tri-coloured flag; was it the French tri-coloured flag, or not? A. I do not believe it was.

Q. Have you a doubt that it was not? A. Not the slightest doubt.

Q. You called it *the* tri-coloured flag; what did you mean by that? A. I did not, the notes of the short-hand writer will prove it.

Q. Was you at Beckwith's shop when it was broken open? A. No, I was not there when the shop was broken open, but subsequently. I went there some time after the people had left Spa-fields.

Q. You went from the Minories to the Tower? A. No, I did not.

Q. You did not take short-hand notes of the speech at the Tower? A. No, I did not.

Q. Had you any curiosity to go there? A. No, Sir, I met what I conceived a body of the people coming from the lower part of the Minories; I went to the end of the Minories, and saw Tower-hill and the Tower.

Q. You saw the people firing their pistols into the air? A. I did.

Q. Where was it you saw that? A. In the Minories. I followed the crowd up the Minories, till they were dispersed; I went from thence home to my office.

Q. Have you been examined as a witness before the grand-jury at Hicks's-hall. A. I have.

Q. When? A. I do not recollect precisely the date.

Q. Did you lay before the grand-jury at Hicks's-hall a copy of the short-hand notes you read to-day? A. I read it to them.

Q. When was this? A. I do not recollect the date.

The Solicitor-general.—I apprehend that what passed before the grand-jury is not evidence.

Mr. Wetherell.—I only ask as to the production of the notes as a fact.

Chief-justice Ellenborough.—I recollect there was considerable doubts as to examining, in a case of life or death, as to what passed before the grand-jury.

Q. Do you recollect the time when you went before the grand-jury at Hicks's-hall? A. I cannot say the day.

Q. Do you remember being examined as a witness against Watson at the Old Bailey? A. No, not upon his trial.

Q. Upon Hooper's case? A. No, I do not recollect whether I was examined on Hooper's trial, or not. I was present in court all day.

Q. Have you forgot being examined at the Old Bailey as a witness? A. I do not recollect positively. I was examined upon some trial that day, but I do not recollect whether it was Hooper's trial, or not; I was examined before on one or two trials, but I know there was one I was not examined upon, although I could have wished to have been examined. I believe it was Hooper's trial, and not Simmons's; I know I was subpoenaed upon all of them.

Q. Pray, Mr. Dowling, did you examine the waggon when you went last to Spa-fields. A. I did not.

Q. That did not come within your province? A. I do not know that I was desired to do any thing, save taking notes of what occurred in the field.

Q. Do you not recollect whether you were examined in Simmons's trial, or was it upon Hooper's trial? A. I think it was upon Simmons's trial I was not examined, though I expected to be; I was desirous to be examined, from a particular circumstance that occurred.

Q. How came you to be desirous? A. I had gone from the court on business of my own; and Mr. Justice Park, in my absence, in his statement to the jury said, "The next witness is Mr. Dowling, but who he is, or what he is, I know not," and I was desirous to communicate what I was.

Q. Was that all? A. Yes, Sir; Mr. Gurney and Mr. Alley were present on the occasion, and kindly stated what I was.

(Re-examined by the Attorney-general.)

Q. You have been asked as to what were the particular words upon the banner; you did not take any notes of the words upon the banner? A. I did not take any notes of them. It was a mere cursory remark.

Q. Did you find any difficulty?

Chief-justice Ellenborough.—It is but justice to the witness to say, that, on looking over our notes, it appears he did not say *the* tri-coloured flag, till after it was previously mentioned—he then alluded to the tri-coloured flag.

Judge Bayley.—He said that there was a tri-coloured flag upon that day, green, white, and red.

Witness.—I had seen the Bow-street officers at the corner of Coppice-row, but I had no conversation with them.

Q. The house where the magistrates were was just above the Merlin's-cave? **A.** Yes, Sir.

Q. Were there a large number of persons left behind in Spa-fields? **A.** Yes.

Q. Who did not follow? **A.** Who remained behind me when I went.—Perhaps, in justice to myself, I am bound to make some explanation—Your lordships have mentioned that the proceedings were not to be published till this trial is concluded. Now I beg to observe, that there have been already several reports published.

Chief-justice Ellenborough.—After what has already happened, it cannot be prevented.

Judge Abbott.—The same direction was given on the occasion of Hardy's trial.

Witness.—I was ignorant of that intended order of the court, but I was a mere agent of others.

Chief-justice Ellenborough.—It is a contempt of the court; those who have already done it, have done it at their peril.

Mr. Wetherell.—**Q.** What part of the case has gone forth? Has the attorney-general's speech gone forth? **A.** I have wrote none of it.

Q. It would have been better that this sort of unilateral note had not gone forth? **A.** I do not exactly understand this unilateral term.

Mr. Wetherell.—I shall take the liberty of making an application to the court that it may be stopped.

Chief-justice Ellenborough.—It is certainly a contempt of court.

Mr. Wetherell.—**Mr. Dowling,** I give you notice, that if any part of that report go forth to the public, measures will be taken against you in consequence of that contempt.

[Here the proceedings of the first day concluded, and the court adjourned, at near eight o'clock, until nine the next morning.]

SECOND DAY.

TUESDAY, 10th JUNE, 1817.

Trial of James Watson the elder continued.

Mr. Wetherell.—My lords, before the business of this day go on, I take the liberty of observing, that, notwithstanding what your lordships stated yesterday, when you directed that none of the proceedings on this trial should be published, *de die in diem*, there has been published, a full account of the Attorney-general's speech; I will not make any application upon it, as I suppose that Mr. Dowling's notes were not taken for the purpose of contravening your lordship's order, as Mr. Dowling seems to be a partizan in this business.

Chief-justice Ellenborough.—If you do not mean to make any motion, you need not take up the time of the court on that subject.

Judge Abbott.—The witness Dowling stated that he had taken no notes.

Attorney-general.—I am sure if any body has contravened your lordship's order, or committed any irregularity, there is no man in the country that would be more ready to enforce the law, or punish the person who has contravened it, than I should be.

Chief-justice Ellenborough.—The court will be very ready to take notice of any motion you may make.

CHARLES SHEARMAN, *the younger, sworn, (examined by the Attorney-general.)*

Q. You recollect, in the month of December last, being in Church-street, Bethnal-green. A. Yes, Sir.

Q. Upon what day. A. Upon the 2d of December.

Q. At what time of the day. A. I believe it was about twelve o'clock.

Q. Or in the forenoon. A. Yes, Sir.

Q. Did you see any persons in that street. A. Yes, there were a good many persons.

Q. Was there any flag borne by any of them. A. There were several.

Q. Several what. A. Several flags and cockades.

Q. Were there any flags. A. There was one, and several cockades.

Q. And some persons had cockades. A. Yes, Sir.

Q. What sort of a flag was it. A. Tri-coloured.

Q. And of what description were the cockades. A. The same.

Q. What way were they proceeding. A. Towards Shoreditch.

Q. Did you follow them? A. Yes, Sir.

Q. Who was carrying the flag? A. I do not know the person.

Q. Where did these persons proceed to? A. Up to Spa-fields.

Q. What was done when they came to Spa-fields? A. The flag was taken and planted upon the waggon.

Q. Did you then see any other flag? A. There was another flag upon the waggon.

Q. Did any person speak from the waggon? A. There was somebody speaking.

Q. At the time you came? A. They were speaking, but I did not hear what they said.

Q. Did you observe who spoke from the waggon? A. No, I did not notice him.

Q. Was the person who spoke from the waggon one of those you saw in Church-street with the mob? A. Yes, one of them was.

Q. Was he a young man or an old man? A. A young man.

Q. You had seen that person in Church-street? A. Yes, Sir.

Q. Was he the person who carried the flag? A. No.

Q. Where was he? A. He was near the flag at times.

Q. And you say you did not hear distinctly what was said; did you hear any thing he said? A. The conclusion.

Q. What was the conclusion of the speech you heard? A. He said, if he jumped down would they follow him.

Q. Was any thing said by any person in answer to that? A. Yes, they said they would.

Q. Who said they would? A. I do not know.

Q. Persons standing near the waggon? A. Yes, Sir.

Q. Upon that being said, did he do any thing? A. He jumped down from the waggon.

Q. And where did he go? A. I do not know.

Q. Did you observe what way they went? A. I only observed them go out of the field.

Q. Who went out of the field? A. Those who had the flag, and a good many other persons.

Q. Did you follow them, or did you go to any other part? A. I went to the other part of the field.

Q. You did not follow that crowd? A. No

Q. You say you saw two flags? A. Yes, Sir

Q. Did you observe any other? A. There was a frame up between them.

Chief-justice Ellenborough.—Q. On the waggon? A. Yes, my lord.

Solicitor-general.—What sort of flag was it? A. White,
Q. Was there any thing upon it? A. There was something upon it, but I do not know what.

Judge Abbott.—Q. Was it words? A. Yes, my lord.

Solicitor-general.—Canvass in a frame? A. Yes, Sir.

Q. Was there any thing upon the other flags? A. No.

Q. Not that you observed? A. Not that I observed.

Judge Bayley.—Q. You do not know what street they went to? A. No, my lord.

Solicitor-general.—Q. They moved away from the waggon. A. Yes, Sir.

Q. In what direction? A. I do not know in what direction.

Q. You know Cold-bath-field's prison? A. Yes, Sir.

Q. You do not know Coppice-row? A. No, Sir.

(Cross-examined by Mr. Wetherell.)

Q. How near were you to the waggon when this speech was going on? A. About a dozen yards.

Q. So all you recollect about the speech was his jumping down? A. Yes.

Q. That is all you heard? A. Yes, Sir.

Q. How long were you standing near the waggon before you heard the words, was it five or ten minutes? A. It might be as long.

Q. Were you there before the person used these words jumped down, or did you see him get up to speak? A. No, I came with the flag.

Q. Was you present when the speech began, although you did not hear him distinctly? A. I cannot say that I was.

Q. How long was the orator speaking before he used these words jump down? A. Five or ten minutes.

Q. Was there a good deal of noise and disturbance when this was going on? A. A good deal of noise and talking, and hallowing.

Q. How many yards were you from the waggon? A. About a dozen yards.

Q. And of all the speech you could only hear these words? A. Yes, Sir.

Q. In consequence of the noise and talking? A. Yes, Sir.

Q. Did you endeavour to listen as to what was going on? A. Yes, Sir.

Q. Was there such a noise and talking that the persons could not hear. A. I did not hear.

Q. You endeavoured to hear and attended to it. A. Yes, Sir.

Q. What were the interruptions and noise made by the persons standing round. A. Talking to one another; a good deal of interruption of that sort.

Q. Was there any hurraing, or noise of that sort. A. Yes, there was hurraing at times.

Q. Jostling and pushing of the mob, A. Yes, Sir.

Q. When the speech was over which way did you go; did you go to the other part of the field. A. Yes.

Q. What was going on at the other part of the field. A. The people were standing expecting Mr. Hunt.

Q. And did you follow the mob to the end of the field, or entirely leave them. A. I entirely left them.

Q. You said something about some canvass, what was it. A. A frame painted white, or canvass.

Q. Were you near enough to see that it was canvass. A. I did not distinctly see whether it were white or canvass, but I thought it was canvass. It was upon a kind of a frame, I did not take any particular notice of it.

Q. Did you endeavour to take as much notice of it as you could. A. I did not attend to it.

Q. You did not endeavour see what it was. A. No, Sir.

Q. Can you not give us any account of what it was. A. No, Sir.

Q. What sort of a frame was it. A. A kind of a frame like a picture-frame.

Q. Were there several persons in the waggon when the speaking was going on. A. Yes, Sir.

Q. What was the number of people about the waggon when the speaking was going on. A. I cannot say.

Q. Was there a great crowd. A. Yes, Sir.

Q. People coming backwards and forwards to the crowd. A. Yes,

Q. A sort of a moving mob round them. A. Yes.

Q. Was a person speaking when you got to the field. A. I do not know.

Solicitor-general.—Q. You say this frame was supported upon a pole. A. I believe it was.

Q. Was it upon a high pole. A. Yes upon the highest pole.

Judge Bayley.—Did more than one person speak when you were there or not. A. Not to my knowledge.

Q. When that person jumped down did any other persons leave the waggon at the same time. A. Not that I know of, a great many followed him, but I did not know them. (Witness withdrew.)

CHARLES SHEARMAN, *the elder, sworn (examined by Mr. Topping.)*

Q. You live in the neighbourhood of Bethnal-green. A. Yes, Sir, Mile-end, New-town, is near it.

Q. Do you remember the meeting at Spa-fields on the 2d of December. A. I do not know the day of the month, but it was near that time.

Q. Was it upon the 2d of December. A. I believe it was; I beg to say, that since my evidence was taken, which was before Christmas last, Mr. Gifford sent for me, and I will speak the truth, you will excuse me if I do not put my words close together.

Q. At what time in the morning was it you was in Bethnal-green-road. A. Between nine and ten.

Q. Did you see any number of persons there. A. Yes.

Q. How many. A. I could not say.

Q. Were there a good many people there. A. A good many, but I cannot say how many.

Q. Did you see any flag or any thing with them. A. Yes, I did.

Q. Describe what kind of a flag it was. A. I believe the flag was red and white, and I believe the other colour was green.

Q. Was it fastened to any thing. A. Yes.

Q. What was it fastened to. A. To a pole.

Q. Was it flying at the end of the pole. A. Yes it was.

Q. And the colour, according to your recollection, was green, red, and white. A. Yes, Sir, I believe so.

Q. Do you know who carried that flag. A. No.

Q. Had any of the persons any cockades in their hats. A. Yes, I discovered one or two; I cannot say whether there were more or less.

Q. Do you recollect the colour of the cockades. A. I did not notice them.

Q. You saw these people in Bethnal-green first. A. Yes, Sir.

Q. Where were they to proceed to. A. Towards Shoreditch.

Q. Did they proceed from Bethnal-green-road to Shoreditch. A. Yes, Sir.

Q. Did you accompany them. A. I followed them.

Q. From Shoreditch where did they go to. A. From Shoreditch they went towards the church.

Q. Did they go towards Spa-fields. A. Yes.

Q. When you got to Spa-fields do you know the place called the Merlin's-cave. A. Yes, Sir, I believe that was the place where Mr. Hunt spoke.

Q. Did you see any waggon in Spa-fields. A. Yes, I did.

Q. Were there many people there when you came with this party. A. Yes, a great number when I got there.

Q. After you got to Spa-fields did you see what was done with the flag you saw at Bethnal-green. A. It was put up into a waggon which I saw there.

Q. Were there people in the waggon. A. Yes, Sir.

Q. Did you hear any person speak from the waggon. A. Yes, I heard a person speak from the waggon, but I did not hear many words.

Q. Did the person who spoke from the waggon appear to be a young or an old man. A. He appeared to be a young man.

Q. Did you observe his hat. A. No, I did not particularly observe his hat.

Q. Did you observe any cockade. A. I think, to the best of my recollection, there was a cockade.

Q. Do you remember any words he used. A. I remember that he spoke rather loud, and he asked the persons if they would like to be fed upon ox-bone beef-soup, I think these were the words.

Q. Did you hear any other expression. A. He asked them if they would put up with it.

Q. Was any answer given by the people to this question. A. They said no, they would not.

Q. Was that the answer of individuals, or the general answer round. A. The answer of the persons round.

Q. Did you hear any other expressions. A. There was another word I heard him say, but being so long ago, I cannot recollect the words that were said, my recollection is not very good, and I cannot recollect the words that were said.

Q. You do not recollect any particular word. A. By passing that word I can inform you, he asked the people, if he jumped down from the waggon would they follow him; the answer was, they would.

Q. What did he do then. A. He got from the waggon and a great many persons followed him.

Q. Did you see what way they went. A. They went out of the field towards the Cold-bath-field's prison.

Q. You did not follow them. A. No, Sir, I did not.

(Cross-examined by Mr. Copley.)

Q. You had mentioned that some person spoke from the waggon; do you recollect that he was speaking when you went into the field. A. I was there when he first got up.

Q. You followed this flag from Bethnal-green from curiosity. A. I was going to hear what Mr. Hunt was going to say.

Q. Did you fall upon this party by accident, that you accompanied. A. Yes, Sir.

Q. Were they going to hear Mr. Hunt to. A. I did not understand that the flag was going to Spa-fields.

Q. There were many other persons besides you that were going to hear Hunt that day. Yes, Sir.

Q. You were curious to know all that passed. A. I had little to do, and I went up on that day.

Q. How near were you to the waggon. A. I cannot exactly say; there were a great many persons there.

Q. But you, in common with a great many persons, went to hear Mr. Hunt speak. A. Yes, Sir.

Q. Were you as far from the waggon when you heard this person speak, as you are now from me. A. I cannot say; I did not pay any particular attention, any farther than to say I saw the waggon; I did not notice the distance; I cannot give an answer to that, as I did not pay that attention.

Q. When these persons left the field you did not leave it. A. No, I did not.

Q. What became of them, you do not know. A. No, I did not.

Q. There were people in the waggon when the flag was put up. A. Yes, Sir.

Q. You were there when this young man began his speech. A. It might be two or three minutes.

Q. You did not hear any body else speak. A. No, Sir, I am rather deaf, and I could not hear much, I could not hear more than what I have stated.

Q. Although you won't undertake to say that you were not farther from the waggon than from me. A. I cannot say.

Q. You told us you were examined about Christmas, was it before or afterwards. A. Before Christmas I believe.

Q. How long was it after the first meeting that you

was examined by Mr. Gifford; was it a week or longer.

A. I think it was more.

Q. Might it be a fortnight. A. I cannot recollect.

Q. Was it before Christmas-day. A. Yes, I believe it was, but I do not know, it is past my recollection.

Q. Were you afterwards examined at Hicks's-hall.
A. No, Sir.

Q. Were you ever examined before the grand-jury upon that subject. A. Never.

Q. Was that the only examination that ever passed.
A. I was sent for by Mr. Litchfield, at Stone-buildings; that was after Christmas.

Q. With these exceptions you never was examined.
A. No, Sir.

Q. Did you hear Mr. Hunt's speech. A. Yes, Sir.

Q. A great many were then there. A. Yes.

Q. Was you at the former meeting in November. A. I was at two of the meetings at Spa-fields.

A. The meeting you allude to was before this. A. Yes, Sir.

Q. Did you hear Mr. Hunt speak from the window at that first time. A. Yes, Sir.

Q. There was a tri-coloured flag at that time. A. Yes, Sir.

Q. Did you go into the house where Mr. Hunt was.
A. I was at the bottom part of it, but I did not go up.

Q. Did you hear any resolutions proposed by Mr. Hunt to the meeting. A. I recollect his mentioning it, he was to attend there that day six weeks.

Q. Try to recollect. A. I tell you as near as my intellects will allow me to speak and as near as I can.

Q. How long after that did he say the next meeting was to take place. A. I understood him, to the best of my knowledge, that they were to meet that time six weeks.

Q. You were attending as much to him then as to the speeches of the second meeting. A. Yes I did.

Q. So if you be mistaken as to what passed at the first meeting, you may be mistaken as to the second. A. Yes, but I cannot recollect; I have informed you as far as my recollection will serve.

Q. Perhaps your recollection is not very good. A. Yes, Sir.

Q. You have a very imperfect memory. A. It is very feeble.

Q. I ask you, whether you heard the resolutions pro-

posed by Mr. Hunt, for their adoption. A. Yes; he asked them concerning a Mr. Burdett, and the petition.

Q. Did you hear him put it to the people, when they would meet again. A. He mentioned to the people, and they agreed, that Mr. Burdett should present it.

Q. Was it put to the vote of the people. A. Yes, it was put to the vote, and the people agreed to it.

Q. It was Mr. Hunt that did it. A. Yes; Mr. Hunt, as I understood it.

Q. Let me be quite sure I do not mistake you; you say that Mr. Hunt proposed some time as to another meeting being called; I ask you, whether he proposed it to the people, and put it to the vote, whether they would attend it or not. A. He put the time he named to the people.

Q. And that was proposed by Hunt himself. A. Yes, to the best of my recollection.

Q. You told me, my friend, that you followed this flag as you did not know the way to Spa-fields. A. I did not know the exact way. The first time I went, I did not know where Spa-fields was. I went a long way out of my way when I went to Spa-fields first; I was with some friends; that was the first time; and the second, I followed the flag.

Q. You said, that you followed the flag because you did not know the way to Spa-fields. A. I cannot comprehend you, Sir, rightly; the first time I went to Spa-fields, I did not know my way to it; I went a long way out of my way; the second time, I followed the flag.

Q. But you returned back again by yourself. A. Yes; and my son was there, I saw him follow the flag.

(Re-examined by Mr. Topping.)

Q. The second meeting you remained to hear Hunt speak. A. Yes.

Q. Do you know what became of the flag. A. No, I do not; the flag was taken from the waggon, but what became of it I do not know.

Q. Was it taken away from the waggon when he jumped down. A. Yes; and a great many people followed him.

Q. Did the flag go with him. A. Yes, Sir, as far as I saw it.

By Judge Abbot. Q. You knew there was to be a meeting that day before you saw the flag. A. Yes, by what Mr. Hunt said.

Q. I believe you said, that the person who spoke from the waggon spoke loud, or in a loud tone.

Serjeant Copley interposed, and said, that this question was irregular, inasmuch as the witness had said nothing in his chief examination about the general tone of the speaking.

Lord Ellenborough requested that the learned Serjeant would be so good as address any objection he had to make in the course of the examination to the Court, as general monitory observations, from one gentleman to another, generally produced resistance, and a degree of irritation which could not be conducive to the harmony of the Court.

Serjeant Copley.—I beg that it may be understood distinctly, that I say Mr. Topping is violating the first principles by which the examination of a witness in a court of justice ought to be conducted, by assuming that which has not been said by the witness, and putting words into his mouth which were never uttered, for the express purpose of carrying the re-examination much farther than it was carried in the chief examination.

Judge Bayley.—The witness said, “I remember some of the words spoken, they were rather loud.”

Mr. Topping.—(Rather warm.) It is matter of accusation that I have been violating the first principles of the rules of examination. The learned gentleman little knows me, or I am sure he could not apply such an observation to my conduct.

Chief-justice Ellenborough.—Those words ought not to have been used.

Serjeant Copley.—I do not mean to apply the words to Mr. Topping personally.

Chief-justice Ellenborough.—Brother Copley, those words you will, I am sure, upon recollection, feel ought not to have been used. I hope it will be forgotten that they were used. Such language can only tend to produce irritation even though said in the heat of the moment. The witness said distinctly, that the words spoken were rather loud.

[It was the intention of the Publisher to have given the whole of the Trial verbatim; but the extreme length of the Evidence has induced him to give in substance such part as is the least interesting, with a view that not one word may be omitted of Castle's, and such other particulars as are of material consequence, and which are faithfully transcribed from the Notes of the Short-hand Writer.]

MR. JOHN STAFFORD, (*examined by Mr. Gurney.*)

Witness is chief clerk at Bow-street police-office. He remembered the 2d of December last, there was a large concourse of people assembled in Spa-fields. He knew there was to be a meeting on that day, in consequence of seeing a great number of placards posted, and small handbills distributed. He was at the former meeting on the 15th of November. Mr. Hunt addressed the meeting from a window, at the public-house called Merlin's-cave. He saw a flag close to the house on that occasion, but he was not sure that it was displayed from the window. It consisted of three colours, red, white, and green. It was a large flag, and was suspended upon a pole. There was an inscription upon it, but he could not, on that occasion, make out the whole of it. He saw the words, "Nature, Truth, and Justice," and there was something else, which he could not make out, as the wind blew a contrary way. The above-mentioned words were in larger characters than the rest of the inscription. He was not near enough to hear what passed at the first meeting. On the meeting of the 2d of December, he attended, in consequence of having seen the placards. There was a great many police-officers in attendance. He expected the business at the Merlin's-cave to commence about one o'clock, but he arrived on the ground about half-past twelve o'clock, and he found a great number of persons—thousands, there, in the lower part of the field, next to the chapel, towards Coppice-row. They appeared to be assembled round a four-wheeled waggon, from which the horses had been taken; and there were a great many persons in it. There were two flags in it, one was the flag which had the words, "Nature, Truth, and Justice," upon it. Witness took the words down—they were "Nature to Feed the Hungry, Truth to Protect the Oppressed, and Justice to Punish the Guilty." [The flag was here produced by Mr. Hobler, the Lord-mayor's clerk.] Witness identified this as the flag he had seen on the 15th of November, at the Merlin's-cave. There was another flag of the same colours, upon which there was no inscription. Besides these two flags, there was a large square frame between them, covered with calico, upon which there was this inscription, "The Brave Soldiers are our Brothers, Treat them kindly." Witness produced a sketch of the waggon, made a few days after the meeting.

Mr. Wetherell objected, that this could not be received in evidence, but the objection was over-ruled by the Court.

The waggon was full of people. Witness saw the prisoner, Watson, in it; but he saw none of the other prisoners. At the time he arrived, there were some persons addressing the populace from the waggon. He did not know young Watson, but the prisoner stood next to the young man who was speaking. He could form nothing like an accurate judgment of the number of persons assembled round the waggon; but there appeared to be thousands. He was not near to the waggon during the time of the young man's speech, he heard a great many words, but he could not speak from recollection what was said. He spoke very loud, and the mob repeatedly cheered. The speech seemed to consist principally of interrogatories, and the mob returned answers. There was frequently the cry of "Yes, yes, and hurras." He then quitted the spot, leaving the person speaking; and shortly after he quitted it, about the distance of sixty yards, he heard a greater noise than usual proceeding from the waggon. He turned round his head, and saw all the persons in the waggon, in the act of jumping upon the ground.—The flags were removed from the waggon, and the mob then moved towards Coppice-row. The whole torrent was directed towards Coppice-row. The flags and banner were accompanying it. After the mob had proceeded a small distance, and approached witness, he looked round for the officers, but saw none within reach. As the tri-coloured flag approached him, he rushed from the foot-path and seized hold of it. He made an effort to break the pole; but being the stem of a young tree, he could not effect the object. He got the flag down, however, upon the ground and stood upon it. Upon which John Limbrick, the officer, came to his assistance. A strip of the green part of the flag remained in his hand in the struggle. When he was driven from the flag, he saw Limbrick struggling with the man who had the frame or banner. The officer held one end and the man the other. The frame being thrown down, witness jumped upon it, and broke it, and upon being attacked by the mob, he made use of part of it as a weapon of defence. (Witness produced part of the banner which he had so used.) The mob then went towards Smithfield, in a line towards Skinner-street.

(Cross-examined by Mr. Wetherell.)

The flag which he saw at the second meeting was similar to that used at the first ; but he cannot say it was the same. He heard nothing distinctly except a part of Hunt's speech, and he did not hear what passed about a second meeting. Witness thinks he saw the window-frame taken out, but he observed none of the magistrates enter that or any other house near the spot. Bow-street magistrates ordered their officers to attend, and about seventy or eighty attended out of the number, which is 100. Bow-street is the principal office in London. Being asked if he was present at a meeting of the magistrates before the meeting.

The Attorney-general objected to the question ; but Mr. Wetherell insisted on its being put, as he was determined afterwards to prove the publicity of the meeting in reply to one of the overt-acts.

The Court allowed the question to be put.

The magistrates gave actual orders on the Saturday for the officers to attend on Monday, in Spa-fields. Saw no soldiers in the field, and cannot say where they did attend. Had no communication with any military officer on that day on the subject. At one time was within fifteen or twenty yards of the waggon, and there were present Mr. Baker, and he rather thinks Mr. Hicks and Sir N. Conant. Saw none of the magistrates go into any house that day, and cannot say what was the number of extra constables ; but none were sent from Bow-street. He followed the mob a short way, and then returned to the office. Was not examined at Hicks's-hall, or at the Old Bailey : had seen placards announcing the meeting, and two or three of them came into his possession ; Sir N. Conant is the principal magistrate, and may sometimes give public orders to the whole police in London, for which purpose he has a room in the secretary-of-state's-office ; had frequent conversations with Sir N. Conant about the meeting ; the man who aimed a blow at him he believes to be Hooper.

By the Foreman of the Jury.—Why did you not seize the flag ? A. Because I had, as I believed, no authority to do it, as at the first meeting there was no indication of riot.

JOHN LIMBRICK, police-officer, was in Spa-fields, and was stationed at Cobham's-head, near Coppice-row. Saw the waggon there, and went to it ; a great number surrounded it, about 2 or 3,000 ; a vast number was at the

Cave also ; did not hear what was said from the waggon ; but saw Watson in it, and thinks he was speaking then, as he was moving his hands ; saw the flags and banner, the latter held up by a man in sailor's dress, whom he understood afterwards to be Cashman ; the tri-coloured flag was held by a sailor also. Knows Hooper, whom he now identifies, and who was present in the waggon, with a tri-coloured cockade in his hat ; left them in the waggon and returned to Cobham's-head ; at twelve he heard a noise ; saw the mob coming, and Mr. Stafford holding one of the poles. Pulled down the banner after a very severe struggle, but at last he succeeded. Was not struck, but he heard such cries as " cut him"—cut his bloody head." Tore the calico which he now produces ; saw Hooper in Coppice-row, in the front of the procession, and very busy. The principal body of the crowd proceeded to Smithfield, while some returned to the field, and others went to Gray's Inn-lane ; knows Preston, who was also in the waggon, near the person speaking.

Cross-examined.—Went there about ten o'clock, by an order of Mr. Rainsford. The waggon was there about eleven ; remained near the waggon about fifteen minutes, and in three quarters of an hour returned ; did not go to any magistrates in the interim, though there were magistrates on the spot ; thought Mr. Stafford was in danger, and therefore he acted as he had done, and he cannot say there was any person else aiding him ; but thinks he must have seen if there had been any ; cannot say what particular day he was examined, but it was not for a fortnight after, and then he was examined before Mr. Litchfield ; he was examined at the Old Bailey, when Hooper was tried, and also before the grand-jury then, and before the grand-jury of this court.

By the Foreman of the Jury.—Did you hear Mr. Watson speak. No, I did not, but when I looked to him, I had every reason to think he was speaking, as he was using the gestures of one who was employed in speaking ; I was about eighteen yards from the waggon.

EDWARD GOODSPEED was in the field, and saw the flag and waggon, in which were Watson, Preston, and Hooper ; knew no other person. Saw Hooper with the tri-cockade in his hat, coming out of the field with a large crowd. A colour was seized by a gentleman belonging to Bow-street, and Hooper was near that gentleman. Limbrick was knocked down by some person, but he does not know by whom.

Cross-examined.—Is a parish-constable of St. Andrew's, Holborn, and was ordered by the high-constable (Mr. Smart) to attend, in consequence of directions from the Sheriff. Four of the constables attended, but is not certain whether the other three attended, though all of them were ordered to attend. Had no particular station, except the House of Correction, where they were to assemble, and their names were afterwards called over by a person who was a stranger to witness. Great many names called over that time, and certainly included other parishes. Cannot say how many were present. There was no particular station fixed after this. Limbrick was rather pressed than knocked down, for witness did not see him struck by any one. Had no further directions given to him by high-constable, except merely to wait at the prison-door, which he did till about three or four o'clock, during which time he saw no rioters brought in.

JOHN HUGGIS, being duly sworn, was asked by Serjeant Copley what his business was. Witness was a tide-waiter in the Customs. It was nearly twelve months since he had been on duty—has an appointment to that office, which he produced.

Examination on the part of the Crown.—Was in Spa-fields on the 2d of December last, about twelve o'clock of the day; saw a waggon there, in which were Preston, and a great quantity of people; saw one flag in the mob; was himself near the turnpike-gate, which was about twenty yards distance from the waggon; saw several persons get out of the waggon, and go towards Coppice-row, they were followed by great quantities of people. Witness knows Mr. Stafford; saw him in the mob calling for assistance. Hooper had a tri-coloured cockade in his hat; saw Limbrick, the officer, holding a man, whom Hooper and others afterwards rescued from him. Did not see the banner before the struggle; it was white calico. Did not know the person with whom Limbrick was struggling. Limbrick was shoved down by the mob. Saw Hooper go with a great many others down Coppice-row. Could not say how many, he thought nearly 100. There was a large assembly left behind, supposed 4 or 500. Witness remained in Spa-fields until the magistrates went away. He did not follow the persons down Coppice-row.

Cross-examined.—Witness only received pay as a tide-waiter when he was on duty. He went to Spa-fields, being appointed a special constable on the occasion. He

has been on duty as a tide-waiter more than ten times within the last five years. He was stationed at the head of Coppice-row, and was attentively observing the mob. The persons that went down Coppice-row were about 100. In answer to a question from the Court, witness did not think there were more than 6 or 700 in any part of the fields.

From the Jury.—What magistrates did you see in the fields, and where were they? Witness saw Mr. Raynsford, Mr. Selson, and others, in the room of a house three doors from Merlin's-cave. They were there about twelve o'clock. Believed Mr. Stafford saw them also, but it was only his conjecture.

Moss Moses, a jew, being sworn on the Old Testament, with his hat on, deposed that he was stationed at Coppice-row; was not near Mr. Stafford. That at the request of another officer, he went to the assistance of Limbrick, and there seized from a sailor a flag. Did not know the persons with whom Limbrick was struggling. Witness then produced the flag. It had not been in his possession ever since; it was at the prison near Spa-fields.

Cross-examined.—He had left it at the prison; it was out of his possession more than two months; he did not mark it.—(Looking at it again, by desire of Mr. Wetherell), he would not like to swear it was the identical flag. He was subpoenaed on Cashman's trial, but was not called upon. He was examined some time ago before the grand jury sitting near the Court. He was not examined at Clerkenwell. The flag was cleaner and newer when he seized it. He found it now in the hemp-warehouse of Coldbath-fields prison. In answer to a question from the Court—No dissimilitude occurred to him between the flag he took and that now produced.

Mr. STAFFORD, being re-produced, proved the flag taken was torn in the struggle.

THOMAS GRAVES being sworn, stated, that he lived at Cow-cross, in the way from Coppice-row to Smithfield. On the 2d of December, he saw a great number of persons pass his door, going towards Smithfield. They had with them a flag of different colours. They were not doing any mischief. The mob consisted of about 6 or 700 persons. He saw Preston there. Witness had known him for some time before. Preston spoke to witness, and desired him to take in his goods, as there would be dreadful work, or bloody work. Witness saw Preston go on with the mob.

He is lame. The crowd were passing Cow-cross about ten minutes; the first part went very quick. They went on towards Smithfield.

Cross-examined:—Did not well remember the words Preston used. Witness was a good deal flurried at the time. He was a broker of furniture, and had tables and other articles of furniture exposed outside his house. He had known Preston a long time. He was a shoemaker, or rather what was called a cobbler, by trade. He was obliged to Preston for the advice he had given him to take in his furniture. He considered that what Preston had said, was an intimation to witness to take care of his furniture.—The Court would not allow the witness's impression of the words spoken to be evidence.

EDWARD HONE deposed, that he was in the service of Mr. Beckwith, gun-maker, in Skinner-street; that on the 2d of December, about twenty minutes after twelve, Mr. Platt came into the shop on business; that he was in the act of going away, when a person rushed into the shop with a pistol in his hand; there were no people about the shop at the time; the person who thus entered the shop was of short stature, about five feet four inches, thin visaged, with prominent lips; he demanded "Arms, arms, arms!" Mr. Platt, raising his hands, put them one on each of his shoulders, and then said, "My good fellow, consider what you are about;" before the words hardly escaped his lips the pistol was fired. Witness saw the lappel of Mr. Platt's coat torn after the shot. Mr. Platt clapped his hand to his belly, and exclaimed, "I am wounded; fetch me a surgeon, for God's sake fetch me a surgeon." Mr. Platt also said to witness, "Don't let him go." "No," answered witness, "he shall not." Mr. Platt having repeated that he was wounded, the person who wounded him chucked the pistol down on the apprentice's bench, and said, "I am a surgeon; I'll examine you." "No, no, no," said Mr. Platt, "fetch me a surgeon." Several neighbours then came in, and, amongst others, the constable of St. Sepulchre's, Mr. Worrall. He took the young man in charge. A great crowd had collected by that time about the shop; there were better than 100 persons. Having left Worrall with the young man in charge, he went outside, and succeeded in getting the mob pretty well away; he got into the shop again, and saw the mob pass with a stand of colours; it consisted of about 3 or 400 persons. They had passed the

shop, when some of them returned, crying out, "This is the shop." He supposed five minutes might have elapsed since the young man entered. Witness went out of the shop, and said, "What do you want? Don't hurt Mr. Beckwith; he is a good fellow, and wishes well to your cause." He observed that a brewer's servant, with a broom-stick, broke the windows; witness cried out that the young man had escaped, and the mob repeated the words, "We'll have him out." Some of them cried out, "Tower-hill." Nothing had then happened to the windows. When witness heard "Tower-hill" cried, he himself put up his hands, and cried loudly, "To Tower-hill, my boys, Tower-hill;" wishing to get them away from Mr. Beckwith's. He then gave the word, "Sea-coal-lane," meaning that the young man was gone that way: it satisfied the crowd so far, until the young man appeared in the three-pair of stairs front window. The mob then began to get very infuriate, and cried out, "There he is, there he is; we'll have him out." They then began to break the windows, entered the shop, took the guns out, and battered the window-frames with the butt-ends. There was a considerable quantity of guns and pistols in the shop. It was literally cleared. When the mob entered the shop, witness having told them a falsity about the young man, he got away to the farther part of the east window. He saw two or three of the mob take the guns by tens on their shoulders, and distribute them at the shop-door, at the same time saying, "Here are arms, my boys!" They took them, some one way, some another, while others loaded them up to the very muzzles. What then passed he could not tell, as he was so confused, that unless he had gone to get a drop of spirits he must have dropped down. After his return, he saw the demolition of the shop; saw also the young man come out of the counting-house, with a pistol in each hand; witness did not see him load them. By that time the crowd had greatly cleared away; some of them remained. When the young man left the shop, he went with the throng up Newgate-street.

Cross-examined.—Witness was not examined at the Old Bailey; he cannot say why he was not; he did attend there for the purpose; witness was talking to Mr. Platt when the young man entered the shop with a pistol in his hand; Mr. Platt did most certainly put his hands on the young man's arms, and then the pistol was fired;

the young man expressed great regret and contrition, bit his lips, and looked very sorrowful; the mob were ranged outside before the windows, the guns were exposed to public view: nobody attempted to touch them in the beginning of the transaction; he had himself cried out, "To Tower-hill, my boys;" he was quite positive he did not originate this cry as a manoeuvre to get away the mob from his master's premises, but having heard it first, he repeated it with that view; there was no attempt to take the guns when the mob cried "We'll have him." The moment they saw the young man whom witness had told them was gone, in the three-pair of stairs window, then it was they commenced the attack; witness never saw the young man before, nor since.

Mr. PLATT was next produced.—He was in Skinner-street on the 2d of December, in Mr. Beckwith's shop. A young man rushed into the shop, stamped his foot, and demanded arms. He fixed his eyes first on Mr. Beckwith's man, who was in the shop, then on the witness, after which he drew his pistol up, cocked it, and was bringing it down, as witness supposed to fire, when witness turning round attempted, with his left hand, to catch it; the young man drew the pistol from the witness, and then shot him in the belly. The ball entered four inches from the navel. Witness, after the shot, attempted to close with him, and catch the pistol, thinking it might be double-barrelled. The person who shot him then struck at him with the butt-end; witness said, "You have shot me; why have you done so? I am one of you." "O Lord," said the young man, "send for a surgeon; I am one myself. Oh, my God, (looking up to the ceiling) I am a misled young man. I have been to Spa-fields." He then attempted to pass through the door very calmly, when witness stopped him; witness then opened the door, and requested to have him secured: witness and the young man went into the counting-house. Before witness went up-stairs a constable came, and in his pocket found a pair of lancets; the constable wished to take him away, but witness requested to get handcuffs first. Soon after he got up-stairs to be examined by the surgeon who came, they heard a great crash below; witness and the surgeon escaped over a back-wall for safety.

Cross-examined.—There was no wrestling between

the young man and the witness; witness did nothing more than to catch at the pistol; did not put his hand on his shoulders when the young man entered the shop; he certainly from the first watched the pistol, and, endeavouring to strike at the muzzle, the young man *banged* it at his belly. In the act of striking at the pistol, he might have put his arm over the person who fired. Witness made no remarks previously to being shot. The person who wounded him was very thin; witness was much stouter.—(Mr. Platt is, from appearance, what we should consider a powerful man.)—Witness did not attach much sincerity to his contrition, as he endeavoured calmly to slide away, when witness gave him a *bang*. Witness and the young man went together into a back-shop, and remained there about ten minutes; after that he went up-stairs, and supposed the surgeon took two minutes in examining him. From the period of the young man's entering the shop until he heard the great crash, he believed there was an interval of fifteen minutes.

JOHN ROBERTS being sworn, said, he was apprentice to Mr. Beckwith, saw the young man in the shop, and heard the pistol fired. The young man put the pistol on his bench, and he took it up afterwards. Some of the neighbours said it was better to deliver the pistol into Mr. Worrall, the constable's hands. Witness gave the pistol to one of the neighbours, could not say whom, and has not seen it ever since. The constable took the young man up-stairs. The counting-house was cleared of all the arms, and of a great quantity of ammunition. He saw the young man take a pair of pistols out of a mahogany case in the counting-house, and load them while witness stood by his side; there was powder and ball in the case. Witness said to the young man, my boy, we have plenty of ammunition and arms, we'll be off. The young man never said a word, but with a pistol in each hand walked out of the door, looked on his left hand, and then went towards Newgate-street. Witness never saw him after. The mob was nearly gone when he went away. They went most of them towards Newgate-street. On the Wednesday following the riot, he picked up lancets under the edge of the floor-cloth in the counting-house. He delivered them to Mr. Beckwith, one had the name of Watson scratched on it.

Cross-examined.—Did not look at these lancets before

he gave them to Mr. Beckwith. He first saw the name of Watson on it, when he went to be examined before the Lord-mayor. He did not attend to Mr. Platt—he had his attention engaged about the shop. What he said as a device about arms, was only addressed to the young man.

W. A. BACKWITH deposed, that on the second or third morning after the outrage by which his premises were destroyed, he received from his apprentice, John Roberts, some lancets, found in the counting-house. Witness looked at them directly, and discovered, with the help of a glass, the name of Watson. He had not the lancets at present, they were in his desk locked up. Cannot tell the number of arms taken from his premises; the amount of value was about 1,500*l*. Had a paper that could state accurately the number.

The witness was desired by the Court to go home for the lancets and the paper he described.

G. H. WORRAL was called. He was a constable of the city of London, and was at Mr. Beckwith's shop on the 2d of December. He was sent for, and a young man was given into his custody, whom he supposed to be young Watson. He searched him, and took from his person certain papers. He put his mark upon those papers; but it was not till some days after. They were out of his possession before he marked them, as he delivered them to the head-marshal of the city. (Some papers were here handed to him). He believed they were the same as he had taken from the person of Watson, jun. They had his mark upon them. He did not take them into his possession at the time, but left them on a stool, and some on the ledge of a window, in Mr. Beckwith's counting-house. The mob afterwards rushed in, and put all into confusion. He then went to the Mansion-house to make a communication at the Lord-mayor, and afterwards returned to Mr. Beckwith's shop for the papers. He found them deranged, but collected them, and took them away. The witness also produced a pistol, which he took from the person of young Watson. Upon his cross-examination, the witness repeated, that the papers were out of his possession for two or three days, and that he put his mark upon them at the secretary-of-state's office.

Sir J. SHAW was called, and stated those circumstances already before the public, relatively to the proceedings of the witness and the Lord-mayor, in dispersing the rioters

at the Royal Exchange. He approached the mob with the Lord-mayor, and others, and they seized several persons. A flag was also seized, which was a tri-coloured one. He did not perceive that any of the mob carried fire-arms, perhaps, because at the instant he saw them, his mind was wholly impressed with the necessity of seizing the colours, as the most likely means of dispersing them. It was himself who snatched the colours from the person who carried them. (The colours were here produced—a very smart silk banner, composed of green, white, and red colours, with an inscription in gold letters). The witness believed them to be the same as he had seized. He could not swear to them: but he could swear to the pole if he saw it. (Three different poles were afterwards brought in, which had been used for flags, but neither of them was the pole to which the flag in question was attached). He heard the report of muskets, and saw muskets taken from the hands of persons, but did not know whether they were loaded with ball or shot. Upon his cross-examination, the witness said, there were only eight persons, including the Lord-mayor and himself, who went out to meet the rioters in the Royal Exchange. Five of them were constables. They had no arms. They succeeded in dispersing the mob. Not much resistance was made. He felt no personal alarm, nor did he believe any of the individuals felt any alarm.

The Attorney-general here proposed, that the papers which had been taken from the person of Watson, jun. by Worrall, should be read. This was objected to by Mr. Wetherell, not only because the witness had stated, that he left them in Mr. Beckwith's shop, while he went to the Mansion-house, and upon his return found them in confusion, in consequence of the mob having broken in, but because they were afterwards out of his possession for several days before he marked them. Under such circumstances, the chain of facts necessary to establish their identity was, he submitted, entirely destroyed.

Lord Ellenborough said, unless the Attorney-general had some better evidence to adduce respecting them, he did not think they could be received. There were two periods during which they were not in the witness's possession.

The Attorney-general said, he had no other evidence to offer, and as the Court seemed to consider the case questionable, he did not wish to urge it. It was accordingly decided that they should not be read.

THOMAS TAYLOR was called. He saw the mob in the Minories on the 2d of December. The witness was desired to look at the prisoners, but he could not identify any one of them, as being among the rioters. He observed among them a man that was lame; but he could not swear that Preston was the individual.

FRANCIS KINNERSLEY was next called. He was a constable. He was in the Minories on the 2d of December; he saw the mob; they were armed with guns, pistols, and cutlasses. Saw a great crowd at the door of Messrs. Brander and Potts, gun-smiths there. He identified the prisoner Preston, whom he saw three different times, in different places. He was along with the mob. When the soldiers arrived, which was about twenty minutes after the witness, the rioters dispersed in all directions, throwing away their arms. He afterwards collected about forty or fifty muskets, besides pistols and cutlasses. There was also a piece of cannon, which he likewise secured. Upon his cross-examination, he admitted he had stated before the Lord-mayor, that Preston was not actively employed in the mob; he had his hands before him; and was standing quietly on the pavement, which was the very reason why he noticed him.

JOHN HALL, Esq. high-sheriff of the county of Essex, was called. His place of business is in the Circus, in the Minories. He saw the mob there on the 2d of December, and assisted Mr. Rae, the gun-smith, in shutting up his shop, having heard what had taken place at Mr. Beckwith's. When the mob arrived, he saw them attack the windows and door of Messrs. Brander and Pott's shop, which was also shut. They used pick-axes, the butt-ends of muskets, and other implements. He saw one of the mob, after they had succeeded in making an aperture over the door, creep in at it. Meanwhile the shutters were broken away from the shop-windows, and nearly all the arms were handed out to the populace, who frequently loaded and fired them in the air, like a *feu-de-joie*. He went to the Tower for assistance, which was refused him. He then returned to the Minories, and stationed himself near Mr. Rae's shop (where the mob had now arrived) with the view of marking some of those who might be the most active leaders. Witness remembered to have seen a cannon loaded at Rae's door, which he thought likely to burst, if attempted to be fired, from the manner in which it was loaded. This cannon was placed at a

short distance from Rae's door ; Rae's house was plundered of arms, as well as the house of Brander and Potts. Some of the mob afterwards delivered up the arms, as well as some wearing-apparel, which they had taken from Rae's house, the doors and windows of which were entirely broken. The great object of witness was to mark the ringleaders of the mob; and, on coming into Court yesterday, he was remarkably struck by the features of Thistlewood, whom he remembered to have noticed on the 2d of December, active in directing the mob. The only difference he could observe between the countenance of Thistlewood on that occasion and his present appearance was, that his whiskers seemed somewhat lighter than they now were. He had no other doubt respecting him as to the correspondence of countenance. Thistlewood wore on that occasion, a coat closely buttoned, but he did not remember the colour of the coat. He did not, indeed, take much notice of his dress, as he looked more at his features. Thistlewood had no weapon in his hand. Witness did not observe any of the other prisoners among the mob. He noticed, indeed, only one other person whom he had since seen besides Thistlewood, and that was Simmons, who was convicted at the Old Bailey. The mob moved off about five or ten minutes before the guards arrived. Some stragglers remained after the guards came. Before the appearance of the military three or four blunderbusses, with several sabres, were given up by the mob.

On cross-examination, by Mr. Serjeant Copley, witness stated, that he never saw Thistlewood before the 2d of December last, nor did he ever see him since until yesterday. He never described the prisoner in a different manner from that which he had just stated to the court, with the exception of the whiskers. There was great confusion and noise among the crowd; but his attention was principally fixed upon one object, and therefore he was enabled to identify the prisoner. Saw several guns fired off as a *feu-de-joie*. No disposition appeared to exist among those who fired to do injury to any body. Those who fired, indeed, did not appear to know what to do with the guns, except, as it seemed, to commemorate the victory of obtaining the guns. The mob might, in his opinion, have been dispersed by a very few soldiers, and therefore he applied at the Tower for only twenty soldiers, conceiving that number quite sufficient.

When he returned from the Tower, there appeared to be a mob of about three or four hundred persons, but he did not think that they had any specific object. When the guards came, the greater part of the mob went up the Minories, towards Aldgate. They went, therefore, rather from the Tower than towards it. He could not get the assistance at the Tower for which he applied, the officer in command saying, that he had no orders to give such assistance. The draw-bridge at the Tower was not drawn up when he entered it, nor did the people in the Tower seem to be under any degree of alarm. He did not see any appearance of a mob on Tower-hill, and Rae's shop is near it. One part of Rae's house is, indeed, in view of Tower-hill. There were a number of drunken women among the mob with sabres in their hands. But any one might have arms, from the number that were scattered about the street. He saw no attack whatever upon the Tower.

On re-examination by the Attorney-general, witness stated, that some of the mob were armed before the attack upon Rae's house. Some were armed with muskets and others with pikes. About fifteen or sixteen were so armed when the mob first appeared in the Minories. Arms were lying about the streets in the Minories. Although he had not seen Thistlewood since the 2d of December, the moment he saw his features yesterday, he was struck by his identity. The features were such, that the slight difference he had stated as to the whiskers, could not weaken the impression upon his mind that Thistlewood was the person whom he saw active in leading the mob on the day alluded to.

In reply to a question from the chief-justice, witness deposed, that when he looked out for the leaders of the mob, he thought that some serious danger was to be apprehended, and under that apprehension he applied to the Tower.

Mr. BECKWITH appeared again in the witnesses' box, and produced the lancets, which, he said, were delivered to him by his apprentice on the 2d of December. These lancets had been in his desk ever since, and as they had never been out of his sight, unless in the desk, he could swear that they were not marked or altered. The name of Watson appeared on the inside of the lancets. Witness brought also a list of the arms taken from his shop, which, however, was not quite correct, as he recollected, since the list was made out, some other articles that were miss-

ing. He believed that the arms which were taken away or destroyed, on the 2d of December, were about forty guns, and between seventy and eighty pair of pistols.

On cross-examination, witness stated, that this list was not produced at the Old Bailey, upon the trial of Hooper.

Mr. BRANDER, gunsmith, in the Minorities, deposed, that about a quarter-past one o'clock, on the 2d of December, a mob appeared before his house. He could not see them, for he had his shop previously shut up, as if it were night, because the mob were coming. He heard the mob in the street, and loud knocking at the door, as well as at the windows, accompanied by shouts, that if the door were not immediately opened, it should be broken open, and the house pulled down. Heard great noise in the street, and several guns fired, with loud rapping at the window-shutters, which they were cutting with pole-axes, having a spike at one end and a blade at the other. With these weapons the window-shutters were broken. But the first person who got into the shop made his way through the fan-light over the door. This person (who seemed about eighteen years of age) fell down into the shop, armed with a pistol and a cutlass. This person advanced into the counting-house through the shop, and stood over Mr. Potts, calling, in a menacing manner, for the key of the shop-door, which he (the witness) had, but observed that it must be in the door, if not knocked out of it by the people in the street. Other persons soon made their way into the shop through the windows, and immediately proceeded to hand out arms to the people in the street. About twenty persons got into the shop, and about thirty or forty guns, with fifty or sixty pair of pistols, some swords, dirks, and pikes, were taken away, as well as about four pounds of Dartford powder.

On cross-examination, witness stated, that about two hundred weight of bullets and small shot were also taken from the shop. He could not speak to the number of the mob, as his shop was locked up, and he did not look into the street. Several muskets were broken by striking violently against the window-shutters, and about twenty-five minutes elapsed from the commencement of the attack upon his house until its conclusion. The firing was like a *feu-de-joie*. There was no violence offered to any human being, to his knowledge, nor was any one likely to be injured by the firing in the air, unless through the falling of the balls. There were about twenty-four different shots

fired. It was quite obvious that the mob did not know how or what to do with the arms which they took out of the shop; for, upon the return of his men from dinner, they obtained several guns and other arms from persons in the crowd, and some of the guns were found to be loaded with buttons and bits of stones; indeed they were loaded up to the muzzle, so that if they had been fired, they must have burst.

Mr. Wetherell asked whether witness kept his good humour as much throughout the transaction as he did at present? Witness replied, that his men met no resistance in their endeavours to recover the arms from the mob, and therefore he was not seriously alarmed. He sent to the Tower for only a score of soldiers to disperse the mob. Indeed he thought that half a dozen red coats would have been sufficient for the purpose. He did not see how the mob proceeded after they left his house, as he remained at home to take care of his family.

The Attorney-general said, that in consequence of a question from the counsel on the other side, he felt it necessary to ask whether the witness thought the attack upon his house a mere ebullition of good humour?

Mr. Wetherell asserted that he never did say, or could think, that an attack upon any man's house was a good-humoured action; therefore the statement of the Attorney-general was a misrepresentation, and he must say, something like an intended misrepresentation.

The Attorney-general said, that he never could hear in that court, or in any other place, the charge of deliberate misrepresentation made against him, without affirming such charge was totally unfounded.

The witness resumed. He had no doubt that a few soldiers could have made all the persons in his shop prisoners, and also put an end to the alarm or danger that the mob created.

THOMAS RAY, gunsmith, of the Minorities, deposed to several of the same facts as had been already published in our report of the proceedings at the Old Bailey, on the trial of Simmons. His shop had been broken into and robbed on the 2d of December of 70 or 80 fowling-pieces, between 70 and 80 brace of pistols, comprising both pocket and holster pistols, about 30 swords, 20 pikes, and some dirks, with other articles. As soon as he found his shop was broken into, he got out through his garret window, and passed into a neighbour's house, from which he went to his family residence.

On his cross-examination, witness stated that he understood the mob left his house as soon as they had obtained the arms. A little carronade, a three-pounder, which was taken out of his shop, was also left in the street. He returned to his house in a few hours after it was attacked, and found a variety of arms scattered about the street. Numbers of people stood in the street gaping about. A gun was taken by a police-officer from one of the mob, who had been since sentenced to transportation.

In reply to the Attorney-general, witness stated that the soldiers had been in the Minories before his return from his family residence. The soldiers indeed remained in the Minories all that day and night, as did the mob also, walking about.

To a question from Mr. Sergeant Copley, witness stated, that after his return from his family residence, the mob made no attack upon his or any other house, but comported themselves very peaceably.

In reply to a question from Judge Bailey, witness stated, that in addition to the arms, 300 weight of small shot, and one pound of powder, were taken away by the mob. He afterwards saw the small shot scattered about the street.

John Middleton, stationer, of Skinner-street, on entering the witness's box, stated, that he was told he was the most unruly witness for the crown, but he assured the court that this was a great misrepresentation.

(Examined by Mr. Topham)

Witness deposed that he saw, on the 2d of December, a mob in Skinner-street, about 12 o'clock. The mob amounted altogether to about 300 persons, consisting of men, women, and children; the number of men did not appear to exceed 80. The whole passed the door of his house, and stopped opposite to Mr. Beckwith's shop; observed Hooper among the mob, wearing a cockade of two or three colours, composed of narrow ribband. There was also a tri-coloured flag carried among the mob, which flag he recognized in court. One or two shots were fired. Witness stood upon his balcony, from which he saw Hooper with a few others, who seemed to be consulting opposite his door. Hooper had a sword or stick in his hand, and appeared to be directing the mob. He saw him, (Hooper) waving his sword or stick, and pointing towards Mr. Beckwith's house, which was at some distance. While these persons were in appa-

rent consultation, witness heard a shout at Mr. Beckwith's house, the windows and doors which were afterwards demolished, and a quantity of arms handed out. Hooper, at the time of the shout, proceeded towards the mob at Beckwith's house. Before Hooper and those with whom he appeared to be consulting, could reach Beckwith's shop, heard the windows breaking, and saw the arms handing out. Hooper carried the flag, as witness thought, at the time the mob passed his door towards Newgate-street.

On cross-examination witness stated, that before Hooper returned to the mob from the party with whom he appeared to be consulting, he heard a shout at Beckwith's house, and also a shot within the house. He did not trace Hooper all the way to Beckwith's house, but he thought that the crash occasioned by the demolition of the windows took place before Hooper could reach that house. Could not swear positively that Hooper took the flag in his hands. The evidence he now gave was, he thought, exactly the same as he had given at the Old Bailey upon Hooper's trial.

Edward White deposed, that he was at the Mansion House on the 2d of December, when intelligence was brought to the Lord Mayor that a mob was coming from Aldersgate-street, and he immediately proceeded with his Lordship and Sir J. Shaw through some back streets in order to meet the mob. Having however learned in Lad-lane, that the mob had passed through Cheapside, he returned with the Lord Mayor and Sir J. Shaw to Princes-street, where he first saw the mob. The number was considerable. They generally passed the Royal Exchange, and suddenly turned into Sweeting's-alley, which is at the back of the Exchange. He passed through the body of the Exchange with the Lord Mayor and Sir J. Shaw, who rushed into the body of the mob, and seized the flag, together with the person bearing it, who was taken into the Exchange, in order to guard against any rescue. Witness did not mark any one in the mob. Witness wrenched a double-barrelled gun from one person himself; this person bent his head and got away. There were a great many arms among the crowd, principally fowling-pieces. There were two or three pieces fired at the time he seized the man. He did not see who fired. While the Lord Mayor and witness were shutting the Exchange gates, pieces were

fired under them between their legs. The muzzles were put underneath, and the contents, whatever they were, passed beneath their feet. He saw no person secured. It being thought necessary by the Lord Mayor to call in the military, witness volunteered to go for them, as no city officer was present except a marshalman, who would have been remarked by the mob, and discovered to be an officer by his dress. When he returned with light-horse all was quiet.

(Cross-examined by Mr. Copley.)

He found the military in Gray's-inn-lane, at the barracks, and obtained 50 of the 17th lancers. As he had no credentials, he had some difficulty in getting them, but there happened to be a gentleman present who knew him. Lord Sidmouth had informed the Lord Mayor that there would be parties of foot-guards and the light-horse at his disposal if the peace was disturbed. He was informed there would be a party in Worship-street, but finding none there he took horse and galloped to Gray's-inn-lane. Q. When you, in company with Sir James Shaw and the Lord Mayor, seized the man with the flag, was there any resistance? A. There was none, except from the man with the double-barrelled gun, whose collar I seized. He said we should not take the man with the flag.—Q. When you took this man with the gun he made no resistance? A. He struggled to get away.—Q. There was nothing like a general attack upon you? A. Certainly not. I do not believe there would have been time if it had been intended. When he went out of the Exchange he passed through the south door, the north one being shut. He went through Finch-lane, and came round and found the mob where he had left them. There was a man on horseback at the head of the mob. He took some steps towards him for the purpose of ascertaining whether he was a leader, and to seize him if he was; but, as he thought it of more importance to call for the soldiery, he passed on. When he returned, he rode at the head of the soldiers. There were many people, but nothing alarming—nothing of that kind of rioting that there was before. He had no means of knowing whether the man he saw on horseback near the mob was a leader or no. He was turning his horse, and speaking to them, and it had been impressed on his mind that he might have been leading them. Before the mi-

lilitary were sent for, the Lord Mayor had asked him whether it was time that the military should be sent for? He answered, that as there were fire-arms, he thought it was.

JOHN HODGETT *sworn, (examined by Mr. Topping.)*

He was at the Exchange on the 2d of December, about one o'clock. In the Exchange were about 100 or 150 of the mob. He had previously been before the Mansion-house, where there was a larger body. There were guns and pistols fired there by the mob; he retired thence towards the Bank, where he saw the middle man of the prisoners (Hooper) who appeared to be active; he took him by the collar into the Exchange. He took from him two pistols about five minutes afterwards, the butt-ends of which he saw between his coat and his waistcoat. He delivered them to the Lord Mayor's officer. [Daniel Cartwright, the marshalman, was here produced, and identified by the witness as the person who received the pistols from him.] Before he delivered them, he ascertained that one of them was loaded with ball. He shook out the ball.

DANIEL CARTWRIGHT *sworn,*

Said that he had found one of the pistols loaded with three slugs (which he produced). He had delivered the pistols to Stephens, another officer.

R. STEPHENS *sworn.*

He produced the pistols; they were horse-pistols.

MR. HODGETT *was then cross-examined by Mr. Wetherell.*

He stated that Hooper, when he was seized by him (witness) made no attempt to draw out either of his pistols to defend himself. Hooper offered no violence when led by witness into the Royal Exchange. He told witness to let him go; that he would not run away. When he saw the mob near the Mansion-house firing guns and pistols, he was not near enough to them to see whether they fired them all in the air. The guns which he saw fired were pointed in the air. He saw none levelled at any body. The reports seemed to be of firing in the air. When he retreated, it was not on account of any arms being levelled at him. He went to the Mansion-house, and gave evidence respecting Hooper;

he also gave evidence at the Old Bailey, the same, as far as he could recollect, as he now gave.

RICHARD HAYWOOD sworn.

He stated that as he was going from the Bank towards Newgate-street, he met the mob coming up that street. He went back to the Bank, and thence followed the mob to the Minories. He was on Tower-hill when the shops in the Minories were attacked. One of the shops was close to Tower-hill. While he was observing the mob he saw a person coming from them, he had a sword or cutlass and a black belt. He had a recollection of the man; he believed him to be the man in the blue jacket (Thistlewood.) He had not the same dress at that time; he had a great-coat and top-boots. He went towards the Tower, and putting his foot on the railing and flourishing his sword he said something to the soldiers inside on the ramparts. He could not recollect the words which were spoken by the man, but the substance was this: he offered to make the privates captains, and give them double pay if they would join them. The man remained there a short time; witness saw a bustle, by which he concluded the troops were coming. The man put his cutlass under his coat and went away towards Mark-lane. He had not observed before the man in the crowd.

Cross-examined by Mr. Serjeant Copley.

Q. What are you, Haywood? A. A stock-jobber.
Q. Is that really your employment? A. Yes. Q. Have you not something to do with the Courier newspaper?
A. I was at one time the publisher of that paper, but I have had no hand in it for near three years. Q. Can you say that you have had nothing to do with it for three years? A. I cannot speak exactly to dates; I can swear I have had nothing to do with it for two years. Q. Have you a brother who is connected with The Courier?
A. I had a brother who was.

The Solicitor-general interrupted the examination to ask how it could possibly be relevant to ask what the brother of the witness had to do with The Courier?

Lord Ellenborough said it might not be relevant, but it could not yet be ascertained that it was not.

Cross-examination continued.

Q. What carried you to Tower-hill? A. I went from

curiosity more than any thing else. I saw the mob first in Newgate-street; I then ran to the Bank, and informed them that a mob was coming. Witness said he had told what he saw pass at the Tower to several persons soon after, among others to a Mr. Bent, at Stangate. He told him all he had then told in Court. When the man spoke across the ditch, there was no one with him at the time; the mob was at the gunsmith's. He had communicated this circumstance to the Lord Mayor. He had not told it to any magistrate. He had been first sent for by Mr. Litchfield on last Tuesday week, for the first time; he received a note from him with the subpoena. Q. You went to the Bank to tell them the soldiers were coming, and you did not think it worth while to go to any magistrate, or to the Lord Mayor, or the Solicitor of the Treasury? A. No; I mentioned it in casual conversation. Q. Have you seen any person in Court or in attendance about, whom you mentioned it to? A. No. Q. Had you ever seen the man who spoke from the railings before? A. No. Q. Have you seen him since? A. Yes. I saw him on Sunday week in the Tower. When he went to the Tower, witness admitted that he was told he was to see the man whom they suspected was the person who summoned the Tower. He found Thistlewood in a room, in which there was no one except him and the Warder, who was of course distinguished by his dress. Witness, at the request of Lord Ellenborough, gave the address of Edward Bent, of the Mitre, Stangate, Lambeth, as the person to whom he had communicated what had happened. He also mentioned it to a Mr. Ensor, Cheque-office, Bank of England.

THOMAS EDWARDS, *a private of the Coldstream Guards, sworn.*

Stated that he was, on the 2d of December, on duty at the Tower of London. Before he went to the parade, he looked towards the Minories, and saw a person come to the railings, and say, "Soldiers, open the gates, and I will give you 100 guineas." He went on to the parade, and he heard no more.

On his cross-examination, he said, there was no one present except himself and another soldier further on, who was also going to parade. The ditch at the Tower was very broad, he supposed 50 yards, and the wall was very high. The man who spoke stood about the middle of Tower-hill, at the railings. About a foot and a half

off, the head and shoulders of a man walking within the Tower on the platform, might be seen by a person from without. When he went on parade, he mentioned what he had heard. There were 20 or 30 persons running about on Tower-hill, in all directions.

THOMAS DARLINGTON, also a private of the 2d Coldstream, was on the rampart of the Tower on the 2d of December. He heard an alarm of the mob; he looked towards the Minories; saw a man walking towards the ditch; he stopped at the railings, and said, "Open the gates and let us in, and every man shall have 100 guineas bounty, or double pay. We do not call the soldiers our enemies, but our friends; they have been fighting for their rights, and they could not have them?" Witness did not hear more, but went to his room for his clothes.

On cross-examination, he said he did not take notice of any soldiers on the ramparts. Edwards was not with him. There were the sentinels on the ramparts, but he took notice of none. He ran on as fast as he could. He mentioned the fact to the non-commissioned officers, and it was immediately told to the serjeant-major. There was a mob of boys about the man who spoke; he could not say exactly how many; he did not know how many could be called a mob: there might have been 30 or 40 of them. He did not see any other people about; he had no time to look for any.

The Court then adjourned to Wednesday the 11th.

THIRD DAY.

WEDNESDAY, 11th JUNE, 1817.

Trial of James Watson the elder continued.

CHARLES MIER, one of the horse-patrole of Bow-street, was, on the evening of the 2d of December, near Highgate. On that night he saw three men walking about eleven o'clock. They were going towards Finchley. Saw them first near Highgate-church. After they had passed him, he saw two watchmen, who were standing against the railing, and having received some information which induced him to mark the persons he saw, he observed that the three persons took particular notice of him, and came to a stand. He turned his horse's head, went back, and rode up to the prisoner at the bar, who was the front man. He asked where they were going? The prisoner replied, to Northampton. Witness ob-

served to him it was a late hour to be travelling, and added, "I suppose you know what I am; I am horse-patrole of Bow-street." The prisoner took a bundle from under his left arm, and held it up towards witness. Instead of taking the bundle, he cast it into the breast of the prisoner's coat, and then drew a pistol, and told him that if he offered to move he would blow his brains out. The two watchmen were then close to his horse's heels, and he told one of them to secure the other two persons. The watchman ran back and sprung his rattle. The other two persons drew a pistol each from their great-coat pockets. One of them pulled the trigger of his pistol, which was pointed at witness; the pistol did not go off. They then ran away. Neither of the pistols were fired at that moment. In consequence of the alarm of the rattle, some persons came up to assist witness, and at that moment a pistol was fired. Witness then left Watson with the assistants, and rode after the other two men, but before he could come up to them, he heard a struggle behind him between the prisoner and the persons in whose custody witness left them, and he immediately returned, and found the whole party struggling together on the ground. The prisoner had a pistol taken from him, and after some resistance, was secured and taken to a public-house, where he was searched, and some papers were found in his pockets. The papers were now produced to witness, and he identified them as these he had taken from the prisoner. Witness asked the prisoner his name, to which he replied, that it would be known at Bow-street, but did not give his name. Prisoner was conveyed to Somer's-town watchhouse, and then said he had been at Spa-fields meeting, and that he had also been in the city. He said he had been towards the Tower, and in reply to a question put by witness next morning, he said he had not been in Skinner-street, but had been to East Smithfield in his way down to the Tower. Witness examined the pistol taken from the prisoner, and it was loaded with powder and ball. The prisoner said over-night it was very unfortunate the pistol was observed in his breast. Witness had not seen the pistol, but from the appearance of the prisoner's clothes, he had a suspicion that he was armed.

(Cross-examined by Mr. Sergeant Copley.)

It was in consequence of finding the pistol on the prisoner, that witness apprehended him. Witness told

him that he detained him on suspicion of being one of the three bad characters who had been in Essex. He told the prisoner that the suspected persons were footpads; and he seemed strange, and appeared not to know what a footpad was. Did not give evidence at the Old Bailey, but was examined before Sir N. Conant. The witness stated all to the magistrate which he now stated. Nothing was said by the prisoner as to the time he had been at the Tower, or at East Smithfield.

The papers found upon the prisoner were then read. Two copies of the following paper were produced :

No. 1. Cmmtt. P. S. (meaning Committee of Public Safety.) Sir F. Burdett, Lord Cochrane, Mr. A. Thistleton, Mr. J. Watson, Mr. Gale Jones, Major Cartwright, Mr. G. J. Evans, H. Hunt, Esq. Mr. Hardy, Mr. R. O'Conner, and Mr. Blandford.

No. 2. Wsmr. Rd. (meaning Westminster-road.) From Divis. collect and meet at Lon. Br. then proceed to the Old Man, (meaning the Tower.) Padgn. (meaning Paddington), to proceed to St. G's divis. to barricade each side to Hol. Brs. Branch off to T. B. (meaning Temple Bar.)

No. 3. No. 1. St. Giles's, B. P. Holborn, (meaning broad part Holborn,) thence to Chancery-lane. 2. Carey-street, Temp. B. 3. Theobald's-road, Gray's-inn-lane, Elm-street. 4. St. John-street. Old-street-road. 5. Whitechapel. 6. Tower. 7. Bank. 8. Poultry.

No. 4. (Letter addressed to Mr. Preston, by Thomas Gilbert, Cock Inn, Wednesday morning.)

MR. PRESTON,

SIR,—Having understood that you want somebody to deliver out bills, I shall be happy to do it; and a friend in distress, as well as myself, will be glad to make one. I had the pleasure to see you at the Red Heart, Shoe-lane, where if you will have the goodness to call or send, to let me know when you shall want, I shall esteem it a favour, being a poor man in distress, not knowing where to get a shilling towards my support. If you will have the goodness to give me a job, I shall esteem it a particular favour.

I am, &c.

Nov. 27, 1816.

THOMAS GILBERT.

Mr. Wetherell submitted that this letter was not receivable in evidence.

Lord Ellenborough. Every letter found in possession of the party, is evidence in every case. That is an universal rule.

JOHN CASTLE sworn, (*examined by Mr. Gurney.*)

Q. Do you know the prisoner, Mr. Watson, the elder.
A. Perfectly well.

Mr. Wetherell.—Q. Have you had any promise of pardon on giving your evidence to-day. A. No.

Mr. Gurney.—That is not a question to put as to the capability of a witness.

Chief-justice Ellenborough.—It is not to precede examination; you may put it afterwards.

Q. Do you know Thistlewood. A. Perfectly well.

Q. Do you know Preston. A. Perfectly well.

Q. Do you know Hooper. A. I know all of them perfectly well.

Q. Which of them did you know first. A. John Hooper.

Q. How long have you known him. A. About two years.

O. In what month did you become acquainted with the prisoner, Watson. A. About three weeks or a month before the first meeting at Spa-fields took place; in the month of October. I had seen him before, but had not become acquainted with him before the first meeting in Spa-fields, on the 15th of November.

Q. At what place had you seen him. A. At the Cock, in Grafton-street.

Q. Had you frequently before that been at the Cock.
A. Yes, frequently.

Q. Did any society meet there. A. Yes, a society called the Spenceans.

Q. Was it at the meeting of that society you had seen him. A. I never saw him at any other place but at those meetings. The first time I ever saw him was at those meetings.

Q. Had you often seen him at those meetings, at the Cock, before you had become acquainted with him. A. Yes, I had.

Q. What was the first conversation which passed between Watson and you. A. Mr. Watson introduced himself to me by saying, it was a very easy matter to upset government, supposing it was handled in a proper manner.

Q. Was that at the Cock, or any other house. A. It was at the Cock, in Grafton-street.

Q. Did you also meet him, at that time, at any other house. A. We appointed that night for me to meet him

the night following, at the Mulberry-arms and Mulberry-tree, at Moorfields.

Q. Did any society meet there. A. A society of the same kind that were at the Cock.

Q. Of Spenceans. A. Yes, Sir, of Spenceans.

Q. The same night, at the Cock, did you see Preston.

A. I did upon that same night.

Q. Had you seen him before at the meetings of the Spenceans. A. Yes, Sir.

Q. Did Preston say any thing to you. A. He did.

Q. What did he say to you that same night. A. He wished me to meet him at a public-house where there was another society held. The name of the house I cannot say, but it was close by Fleet-market, where there was a society of tradesmen that met.

Q. What answer did you give to him. A. I asked him for what purpose; he told me he was one of the committee, and that they met for the purpose of doing away with machinery, and to petition parliament to do so.

Serjeant Copley.—Allow me to suggest, that what Preston said, Watson not being present, with reference to the object of this conspiracy, cannot, by possibility, be evidence.

Chief-justice Ellenborough.—It may not be evidence to prove a conspiracy, but you cannot separate a part, except that there be any criminal matter that does not belong to this charge; we can direct the jury not to pay attention to it, but you cannot separate this from the rest.

Judge Bayley.—Whether it has or has not reference, we cannot judge till we hear it.

Mr. Wetherell.—It cannot be evidence.

Serjeant Copley.—I should submit that Watson, not being present, and this conversation relating to something not connected with the subject of this prosecution, cannot be evidence.

Chief-justice Ellenborough.—It is merely to shew the first introduction of these transactions; you may proceed.

Q. Did any thing pass between you and Preston respecting the Mulberry-tree. A. Yes.

Q. What was that. A. He asked me the same questions as Watson had done before at the Mulberry-tree, and I told him I had promised Watson to do so.

Judge Bayley.—At what time was it. A. At eight o'clock the next night I was to meet Watson there.

Mr. Gurney.—Q. Did you meet them at the Mulberry-tree next night. A. I did.

Q. Can you give me the time of that, or about the time.

A. It was before the first meeting at Spa-fields, three weeks or a month.

Q. Were other persons present at the Mulberry-tree.

A. Yes, a great many.

Q. Who were there. A. The two Watsons, Preston, Hooper, Thistlewood, the two Evans', father and son, and one John Harrison, and myself; those were the only persons I knew.

Q. And other persons whom you do not know. A. Yes; others whom I did not know.

Q. After the meeting broke up with whom did you walk away. A. I walked away with the elder Watson.

Q. Had he any conversation with you as you were walking together. A. Yes, Sir, the same conversation was renewed.

Q. Repeat it. A. That it was a very easy matter to upset government, provided it was handled as it ought to be.

Q. What answer did you give to that. A. I asked him which way; he said, if a few good fellows were got together, it might be easily done.

Q. Did he ask you any questions then. A. He told me he had drawn out a plan that would debar the cavalry, and for interrupting the horse, and preventing the cavalry from coming on the mob. He then said that he had got several people, and that they solicited at different houses where they had gone, and that they had got a committee sitting, to devise the best modes and plans.

Q. What more did he say. A. It was merely conversation of the same kind; he asked me where I lived; and I told him, No. 5, Newton-street, Holborn. He told me he would call the next morning, which would be the Friday; and shew me the plan.

Q. Did you then part. A. No; we had a great deal more conversation, as to upsetting the government; but nothing more particular, further than I have stated, passed at that time.

Q. You then parted for that night. A. Yes.

Q. Did you see him again next day. A. No, but he called two or three times, and I saw him on the Saturday morning when he called.

Judge Bayley.—Q. Was you out on the Friday. A. Yes, my lord; but he called on the Saturday, and I saw him.

Mr. Gurney.—Q. Are you a married man. A. Yes, I am.

Q. When he called upon the Saturday, did your wife remain at home or go out. A. She went out.

Q. Were you and he together. A. Yes; for about an hour.

Chief-justice Ellenborough.—Q. Did she go out of her own accord, or did you desire her to go. A. I desired her to go out.

Mr. Gurney.—Q. State what passed at this conversation. A. He then took out of his pocket several papers; one was a plan of the Tower.

Mr. Wetherell.—We must know what these papers are.

Mr. Gurney.—We will produce them by-and-by.

Mr. Gurney.—Q. He produced some papers, one of which was the plan of the Tower. A. Yes; and likewise a plan of a machine, which he, on the Thursday before, told me he had drawn; it was a machine for obstructing the cavalry, and it was to run upon four wheels.

Q. And how was it to operate. A. It was to run upon four wheels, with sharp knives, so as to prevent cavalry advancing. These knives were to be on each side, and spikes in the middle. The knives were to be something like scythes, and placed horizontally.

Judge Bayley.—Q. Were they very sharp and horizontal. A. Yes, my lord, so as to prevent the cavalry coming, to any part of the street.

Mr. Gurney.—Q. Was it large or small, or such as, might be trodden upon. A. Not to be trod upon.

Judge Bayley.—Q. Did you mention the size of the wheel. A. The size of a common wheel.

Juror.—Q. Did he produce the plan of this. A. Yes, he produced a plan.

Mr. Gurney.—Q. What more passed. A. He shewed me these papers, and wished me to exert myself as much as I could to get people together.

Q. Did he produce to you any other drawing. A. There were several other drawings; he produced one of the Tower, of the bridge, and different places and entrances about the Tower.

Q. Do you remember any drawing of any other place. A. I do not particularly remember; there were several, but I did not take particular notice. He asked me how many men I could bring, and how many I knew? I told him I knew a great many, but I did not know whether

they would act when put to the test ; he begged I would exert myself as much as I could. I told him I had nothing but my little business to live on ; he said never mind that, they would find something better for me than that ; they had plenty of money for every thing ; there was nothing more very particular passed on that occasion.

Q. You are, by business, a smith. A. I am a smith.

Q. He said you should do better than that. A. Yes, Sir, that I should do better than that, as they had sufficient money for every thing.

Q. Well, Sir. A. Nothing more very particular took place that day.

Q. Did you make an appointment to meet that evening. A. I made an appointment for Wednesday morning.

Q. Did you meet that evening. A. I believe we met at the Cock ; but I am not certain.

Q. Do you remember meeting him and Preston at the Cock. A. Yes, I met them many times, but I do not know positively if I met them that night or not.

Q. About that time did you meet them together, and have conversation with them. A. I met the elder Watson next morning ; about eleven o'clock, at one Newton's. Similar conversation took place there, and we had something to drink together ; as we were coming down Drury-lane, he said they had got a committee, consisting of five ; namely, Harrison, Preston, Thistlewood, and his son, and himself ; and that I should be made one of the generals, and head a party of pikemen and other men, and that I should hear further in a few days, and might consider myself as one of the committee from that time ; that I should make the sixth, and they would not have any more.

Q. Did you make any other appointment for any future meeting. A. I believe I made another appointment at the Nag's-head, Carnaby-market, where there is another society of Spenteans.

Q. Endeavour to remember whether, before this meeting at the Nag's-head, you had met him and Preston together, and had conversation with him at the Cock. A. I cannot positively recollect.

Q. Did you meet at the Nag's-head. A. Yes, Sir.

Q. Whom did you meet there. A. John Keenes, the elder and younger Watsons, Thistlewood, and the two Evans's.

Q. Did any thing particular pass there. A. Nothing particular.

Q. Did you meet Watson any other morning. A. I met him upon Tuesday morning.

Q. Was that the morning you went to Portman-square.

A. The elder Watson and me went to King-street barracks, and across the Park, to a small magazine, where the powder is kept.

Q. Do you mean Hyde-park. A. Yes, Sir.

Q. What was the object of going to these different places. A. There was one Skinner with us the whole of the time of our going to these places.

Q. Had you ever seen Skinner before. A. Yes; I believe I had seen him once or twice at the meeting.

Q. What meetings do you mean. A. The Spencean meetings.

Q. Before you set out, had you had any conversation with Watson, as to the object of visiting these barracks. A. Yes, Sir.

Q. What was it. A. To go and look at the whole of the avenues, and see which was the best place for setting fire to the barracks.

Q. After you had seen the barracks, did Skinner go home with you, or leave you. A. He left us in the park.

Q. After Skinner had left you, did Watson say any thing about Skinner. A. Yes, he did.

Q. What did he say. A. He said, he thought that Skinner had been a cleverer man than he was; that he intended to have made an officer of him, but he found him not at all calculated, as he had not any cultivated idea whatever.

Q. Did you meet him at Newton's. A. Yes, Sir.

Q. Whom did you meet there. A. I met Watson and his son, but I did not know he was his son until afterwards.

Q. Do you remember what day it was. A. I do not exactly.

Q. Do you remember the day of the week. A. I believe it was on a Wednesday.

Q. What time of the day. A. It was in the morning part; I recollect it was on Wednesday, because there was a meeting at the Cock in the evening.

Q. Was the Spencean meeting at the Cock on Wednesday evening. A. Yes, Sir.

Q. At Newton's—at this time were you introduced to any persons. A. No, Sir.

Q. How soon was you introduced to Thistlewood.
A. That day, or the day following, but I cannot say which.

Q. By whom. A. By one John Harrison.

Q. Who was in company besides you and Harrison, and Thistlewood. A. Two or three strangers, but I do not know them.

Q. Do you mean by Harrison, that Harrison who was one of the committee. A. I do.

Q. What is his christian name. A. John.

Q. Did the strangers outstay you, or did you outstay the strangers. A. We outstayed the strangers.

Q. After they were gone, did any conversation take place between you and Thistlewood. A. Yes.

Q. Where was this. A. At John Newton's.

Q. State what Thistlewood said. A. We had some ale; and as soon as we had an opportunity, Thistlewood asked me, how much money it would take to make a few hundred pikes, and how long it would take me.

Q. You are a smith. A. Yes, Sir.

Q. What did you say about hundreds. A. A few hundreds.

Q. By what it would take, what did he mean. A. What money they would cost, and how long it would take.

Q. What answer did you give him. A. I told him, it would entirely depend on their size, and the steel or iron they should be made of, they being the handiest materials they could be made of.

Q. Did any thing more pass. A. I asked him, what length and what size he would want them; he told me, about nine or ten inches, and chalked out something of the length in pencil; and I said, that may be got for about four-pence, or four-pence-halfpenny a pound.

Q. What more passed. A. He had wished me to make but one as a pattern, and I told him I would.

Q. Did any thing more pass that was material. A. I proposed that I would make one; but I told him I had no place to make them in, and Harrison replied, that he knew a person who would lend me the use of his forge to make one as a pattern.

Q. Did he mention his name. A. He did not at that time.

Q. Did any thing more pass. A. Nothing more than that I was to make one as a pattern, and to meet in the

evening at the Cook, in Grafton-street; we met at Newton's afterwards.

Chief-justice Ellenborough. Q. Was you to bring the pike to the Cook? A. No.

Mr. Gurney. — Q. Where is Newton's. A. It is in Long-acre, the corner of Broad-court.

Q. Is it a public or private house. A. A public house.

Chief-justice Ellenborough. You were to bring the pike to Newton's. A. No, my lord, but to one of the Benshaw's, or Randall's, or some such name, opposite to Newton's,

Mr. Gurney. — Q. Did you go to that house that evening. A. Yes, Sir.

Q. Whom did you meet there. A. Thistlewood, the two Watsons, Hooper, and Harrison; I believe Preston was not there.

Q. Did you there produce the pike you had made. A. I had not made it, but I had got the pike made; I did not make it myself. Hooper and Harrison went with me to a little shop in a cellar, kept by a man of the name of Bentley, in Hart-street; Harrison had known this man some time before.

Q. Is it Hart-street, Bloomsbury. A. No, Hart-street, Covent-garden.

Q. When you went together to Bentley's, did he and you speak to him. A. I spoke to him, and asked him to allow me to make use of his forge to make a spike.

Q. What did you tell him was the purpose you wanted it for. A. I cannot be certain whether I told him it was to put round a rabbit-warren or fish-pond.

Q. You told him they were for some innocent purpose. A. Yes, Sir.

Q. What answer did Bentley give you. A. He told me, if I would look out a piece of iron, he would make it himself.

Q. Did he make it while you staid. A. Yes.

Q. What was done with it. A. It was given me, and I brought it away. Harrison and Hooper staid, and we came away together.

Q. Did you take that pike in the evening to this house of Randall's. A. I did in the evening, or some part of the day; I believe it was earlier than the evening,

Q. Whom did you meet there at Randall's, or Ran-

dale's. A. The two Watsons, Thistlewood, Harrison, Hooper, and myself; Preston was not there.

Q. Did you produce this pike. A. I did.

Q. What was said of it. A. Dr. Watson said, it was a famous instrument.

Q. Did he go by the name of Doctor with you. A. Yes.

Q. Did any thing more pass particular. A. Not that I recollect very particular; we met in the evening at the Cock.

Q. Did any thing pass important at the Cock. A. Doctor Watson wrote upon a paper, with a pencil, the name of the house, No. 9, Greystoke-place, where the committee met.

Q. Did you, about that time, take any walk towards Paddington with any of these persons. A. Yes, I had been to Paddington with Thistlewood the night before, among the navigators.

Q. For what purpose. A. For the purpose of seeing how many men we could get together out of employ, and the spirit of them.

Q. Did you go together to any public-houses. A. Yes, to different public-houses, and we found a great number of navigators, and treated them with some beer.

Q. Who found the money. A. Mr. Thistlewood.

Q. Did either he or you make any inquiries of them, and what kind of questions were put. A. Yes; I had seen one or two the night before, who said that they were out of employ, and they wished a good row, as they would rather be killed, as they had nothing to do; and I communicated that to Mr. Thistlewood.

Q. This you communicated to Mr. Thistlewood; and that induced he and you to go together there. A. Yes, Sir.

Chief-justice Ellenborough.—Q. Was that the night before. A. A night or two, my lord, I am not certain.

Mr. Gurney.—Q. When you found the navigators at either of those houses, did he or you put questions to them. A. I cannot positively say which it was; but it was intimated to them, that we wanted them for a job, and wished to know how many we could collect together, and whether they wanted for any thing in particular.

Q. What answer did you get. A. They said that they could get 500 or 600 in the course of a very few hours any morning they chose, there were such a number of them out of employ.

Q. You treated them with beer. A. Yes.

Q. After this, did you come away. A. We called at several houses before we came away.

Q. Did you after that call at any public-house near Bow-street, Long-acre. A. Yes, we called at a public-house in Long-acre, which the soldiers who attend the theatre use.

Q. How many soldiers did you find there. A. They kept coming in and out, eight or ten at a time, and we treated them with beer.

Q. Who gave them beer. A. Mr. Thistlewood.

Q. Did he ask them any questions. A. He asked them how they were treated by their officers, and what their pay was.

Q. How much beer altogether did you give them. A. About half a gallon, or three pots, at that house.

Q. Did you afterwards go together to any house at Vinegar-yard. A. Yes; to a public-house which the soldiers who attend Drury-lane theatre frequent.

Q. That is the Black Lion? A. I am not certain about the name.

Q. Did you find any soldiers there. A. Yes, Sir, about the same quantity as at the first public-house.

Q. Was any conversation held with them. A. Something similar to the first, and we also treated them with beer.

Chief-justice Ellenborough.—Q. Who paid for the beer. A. Thistlewood.

Mr. Gurney.—Q. What quantity was given to them. A. I think there was a gallon.

Q. Was there any other person who spoke there. A. Yes, there was a Yorkshire-man who spoke rather violent against the government.

Q. Was he a soldier. A. Yes.

Q. What did he say. A. I cannot exactly say; the conversation was about their pay, and the number of them, being very ill-treated, from being discharged without pensions, after fighting so many years for their country.

Q. And there a gallon of beer was drank. A. Yes, I think there was, but I am not certain.

Q. Did Thistlewood give you money. A. He gave me two or three three-shilling pieces.

Q. Did he give you any directions. A. Yes. He directed me to go to the different houses, and collect all the people I possibly could.

Q. Where were you to meet next day. A. At Newton's I believe it was.

Q. Did you appoint to meet him at Newton's next day.

A. Yes, I think it was, and we did meet.

Q. Whom did you meet. A. I met Thistlewood, Watson, and Harrison.

Q. By Watson, you mean this Mr. Watson. A. Yes, Sir.

Q. When you met, what passed. A. It was merely to go backwards and forwards, running from one house to another, to see what people we could collect.

Q. For that purpose did you go together, or divide. A. We divided.

Q. How did you divide. A. Thistlewood and I went to a house called The Fox under the Hill.

Q. Is that under the Adelphi. A. Yes, Sir, it is.

Q. What men did you find there. A. Great quantities of coal-heavers and people who work upon the Thames.

Q. Do you mean watermen. A. The people that empty the barges.

Q. Porters. A. Yes, Sir.

Q. Did you speak to them. A. Yes, we got into conversation with twenty or thirty who were out of employ, and we said we wanted them in the course of a few days, and asked them, how many we could get together; and they said that every morning we could see fifty or sixty standing together at the avenues, and different wharfs, and the stairs.

Q. And you treated them with beer. A. Yes, Sir, we did.

Q. Who found the money. A. Thistlewood.

Q. Where did he and you go then. A. I believe we came up towards the Cock: I am not certain whether we parted or not.

Q. Did any thing particular happen that day. A. Nothing particular that day, but we went to several other places. We separated, and I went to other places, as I wanted to see how many I could get together that were out of employ, and if I could get any one more violent than another, I was to take down his name and address, and communicate it to Thistlewood.

Q. How soon did you meet either of these parties again. A. I am not certain whether it were upon Wednesday night or not when we went from the Cock, and I was to meet them upon the Thursday or Friday

morning at eleven o'clock, I was to meet them at Greystoke-place; I am not certain of the day, but that was the first time I ever was at Greystoke-place.

Chief-justice Ellenborough.—*Q.* That was a morning meeting. *A.* Yes, my lord.

Mr. Gurney.—*Q.* What time were you appointed to meet at Greystoke-place. *A.* At eleven o'clock precisely.

Q. Did you go there at the time appointed. *A.* Yes, Sir.

Q. Did you find the house open or shut. *A.* I found it shut.

Q. Did you see any person. *A.* Yes, Sir; I came out of the door at the end of the court, and I found Thistlewood walking on the other side of the road, and he called me over to him.

Q. Greystoke-place is in Fetter-lane. *A.* Yes, Sir.

Q. What did he say. *A.* He called me over to him, and said, that the doctor had not come yet, and that he had got the key.

Q. Did you and he wait. *A.* Yes, he said that the doctor was always behind his time; we waited about twenty minutes.

Q. Who came then. *A.* The elder Watson.

Q. Had he the key. *A.* Yes, he had the key and opened the door, and we went in.

Q. Who joined you after you had gone in. *A.* In a very few minutes Preston and young Watson, whom I understood afterwards was his son, but I did not know him till then.

Q. Upon what subject did you converse. *A.* Upon the best mode and method of setting fire to the barracks, and getting all the men we possibly could together.

Q. Did any thing pass about pikes. *A.* Yes, a pike was produced which Bentley had made, and Thistlewood said, that it was a very famous weapon, and they should have a quantity made.

Q. How many made. *A.* He gave orders to have 250 made immediately by Bentley.

Q. Was any thing said about a plan; was this a matter of consultation among you all. *A.* Yes, among the five who were there.

Q. All the committee were there but Harrison. *A.* All but Harrison.

Q. Now what passed respecting your plans. *A.* There was very little said respecting the plans, not till Sunday following.

Q. Any thing about the barracks that night. **A.** Yes, that we had inspected them, to see how many avenues there were: Dr. Watson and I told them we had been to inspect the barracks, to see how many avenues could be set on fire at one time, that we had been together and thoroughly inspected both the Portman-street barracks; and the King-street barracks. Thistlewood and young Watson said, that they had been there together before; they told me that themselves.

Judge Bayley.—Q. At that meeting. **A.** Yes, my lord.

Mr. Gurney.—Q. Endeavour to recollect any thing more that passed. **A.** I do not recollect any thing more very particular that passed. I told them that there were six avenues to King-street barracks, and only two to Portman-street barracks.

Q. What passed between you respecting the object of learning how many avenues there were. **A.** The object of our going there was to see how many avenues there were; so that there could be a regular calculation made when we met on Sunday, as to how much combustibles would be necessary.

Q. Judge Bayley.—How many places were to be set fire to. **A.** The whole together, my lord, to prevent the soldiers getting out.

Here Mr. Wetherell expressed amazement by holding up his hands.

Mr. Gurney.—I do beg that such a thing will not be done again.

Chief-justice Ellenborough.—If such things be pointed out to the Court, the Court must animadvert upon it.

Mr. Gurney.—Q. Did you appoint a meeting again. **A.** A general meeting was appointed of the whole six of the committee, at No. 9, Greystoke-place, to arrange the whole of the business, and how it was to be conducted in each way.

Q. Did you meet on Sunday. **A.** We did.

Q. How many. **A.** All the six.

Q. Before you met, had you done any thing respecting the pikes you were to order. **A.** Yes, I had paid part of the money towards them to Bentley; I gave him orders for 250, and paid him ten pounds in advance, to get the iron with.

Q. How soon were they to be made. **A.** Off-hand immediately, as soon as possible.

Q. Had any thing passed at any of these meetings about handles. **A.** Yes.

Q. At what meeting was this. A. At Raddesdales or Randales. Thistlewood asked Harrison, or me, and Harrison said there was a place at the back of the King's-bench where he could purchase them, and that they were jagged at one end, to prevent their coming out; and Thistlewood asked how much he thought they would cost a-piece.

Q. What did Harrison say. A. He said he thought they would cost threepence or fourpence a-piece, but it depended upon what length they were to be of.

Q. Now I come to the meeting of Sunday morning; you all six met. A. Yes, Sir, at No. 9, Greystoke-place.

Q. Proceed to detail what took place at that meeting, and before you began the business what was done. A. Some box or boxes were brought down, (I did not know they were there) and there was one of them a large box, and they made seats of them and a table, as there was no chairs or tables; something like a public-house stool was there for a table.

Q. Well, Sir. A. Then all the rooms in the house were searched to see that there was no person in the house to over-hear us.

Q. Well, had you any map with you. A. Thistlewood produced a map of London.

Q. Could you say about what day of the month it was: what day before the first Spa-fields meeting. A. It was about twelve days before; about Sunday, the 3d of November.

Q. Thistlewood produced a map of London. A. Yes, Sir.

Q. Well, and what was done. A. It was marked out what were the best roads to take.

Q. For what. A. To take the men, who were to be collected together, to the different barracks and places to be attacked; pointing out the best way to collect our men together.

Q. Was any arrangement made. A. The first arrangement made was to appoint every man to his station.

Q. What stations. A. As generals.

Q. Who were to be generals. A. The whole of the committee were to have their several stations, were to attack the separate barracks at one given time and moment.

Q. Now give us the station assigned to you. A. Watson proposed Thistlewood as the head-general, as he, Thistlewood, found them the whole of the money.

Q. What was he to do. A. Thislewood and young Watson were to take the guns and two field-pieces that were in the Artillery-ground, in Gray's-inn-lane.

Q. What was Preston to do. A. To attack the Tower.

Q. What was Harrison to do. A. Harrison was to attack the artillery-barracks near the Regent's-park: I believe it is called the John's Ward barracks, or some such name.

Q. What had Harrison been. A. An artillery-man.

Q. Do you know that from him. A. I have heard him say that himself.

Q. In their presence. A. Yes.

Q. What were you to do. A. I was to set fire to the King-street barracks.

Q. Any thing else. A. To stop at the barracks, and after we had set fire to them, either to take the men prisoners or kill those that might make their escape.

Q. What description of men were you to have under you. A. All persons we could get, such as navigators.

Q. How armed. A. With pikes and different weapons we could get.

Q. What was Watson senior to do. A. The elder Watson was to set fire to the Portland-street barracks.

Q. Was it at all arranged or talked of what combustibles you were to use for these purposes. A. All sorts, such as pitch, tar, rosin, turpentine, spirits of wine, and so forth.

Q. Go on to describe what you were to do. A. We were to attack the whole of those places at a given hour, and set them on fire at one in the morning; any persons we met we were to take them and make them join us, such as gentlemen's servants; and coachmen were to be taken from their carriages, and those who could ride were to have the horses, which were to form a cavalry, and the coaches and carriages were to be used to barricade the entrances.

Q. Was it at all arranged whether you were to unite the different parties. A. Yes, after I had set fire to the King-street barracks, and after we had seen that all were in flames, and that none had made their escape, I was to meet the elder Watson at the top of Oxford-street.

Q. Was any other party to join you. A. Harrison was to join us with the artillery, which he was to bring from the barracks by the Regency-park.

Q. And what was to be done with the artillery. A. As

soon as that was done there was to be a volley fired, to let the remainder know we had got possession of the artillery.

Q. With any of the artillery. *A.* They were to be taken to the Park, and to be fired at any of the cavalry if they attempted to come across from Knights-bridge barracks.

Q. How were these guns to be protected. *A.* By a parcel of pike-men, who were to be left there.

2. What next. *A.* And to have gone down Park-lane to barricade all Portland-street, and that way to prevent any of the horse coming in that might be out in quarters.

Q. Where to go to next. *A.* Down Park-lane to barricade the whole of the gates leading into the Park out of the lane, to prevent any person coming through the Park, and then to the turnpike at Hyde-park-corner, which was to be barricadoed and chained.

Q. You mean the Piccadilly-gate at Hyde-park-corner. *A.* Yes, Sir.

Q. You were to come down Park-lane to Piccadilly-gate, and that was to be fastened and chained. *A.* Yes, and a party stationed there to fire upon the horse if they attempted to come from the barracks, and then to proceed to the top of Piccadilly.

Q. Then to do what. *A.* To proceed towards Charing-cross and Westminster-bridge, and barricade there all the avenues upon that side, to prevent them coming round by Chelsea and that way, and then young Watson and Thistlewood, after getting possession of those guns, were to break open all the oil-shops and gunsmiths' shops in their way.

Q. Why the oil-shops. *A.* Any shop in which they could find either combustibles or arms.

Q. And where were they to go to. *A.* To blockade Chancery-lane, and Gray's Inn-lane to St. Giles's, where Thistlewood was to make his grand stand.

Q. At what part of St. Giles's. *A.* One gun was to be pointed up Tottenham-court-road, and the other up Oxford-street.

Q. You have before told us that Preston was to attack the Tower. *A.* Yes, Sir.

Q. Was any other part assigned to him. *A.* Young Watson was to have proceeded after he had quitted St. Giles's, to have left Thistlewood in Oxford-street, to have met the other party with two guns at the top of Piccadilly, and go up Oxford-road, and barricade as he went along

upon the right-hand side, and then they would have been barricadoed upon the right and left.

Q. What was Preston to do. *A.* If he had not succeeded in taking the Tower, to proceed to barricade London-bridge, to prevent the artillery coming from Woolwich.

Q. To what place were you afterwards all to march. *A.* He was then to barricade Whitechapel, to prevent any troops coming from the country that way.

Q. Where did they march to. *A.* And then, when he had a body sufficient, the main body was to have met at the Bank, to which the cant name was given of *the Old Lady*, and when he had any to spare, he was to have sent a detachment to London-bridge.

Q. Where was he to meet the main body. *A.* At the Bank, which was called the Old Lady, and the Tower was described as the Old Gentleman.

Chief-justice Ellenborough,—Is it the "*Old Man*," in the written paper.

Mr. Gurney.—Yes, My lord.

Witness.—Sometimes the Old Man, and sometimes the Old Lady, they used to go by.

Q. After this arrangement had been made, did any thing pass about these combustibles you talked of. *A.* Yes, Dr. Watson was to take and calculate how much combustibles it would take for every avenue, such as sulphur and spirits of wine, and how much they would cost.

Judge Abbott.—*Q.* Every avenue of what. *A.* Of the King-street barracks, and the Portman-street barracks.

Mr. Gurney.—*Q.* He made a calculation; how much did he say they would come to. *A.* Something short of 100*l.* I believe it was, but I cannot say, as the bills were destroyed as soon as they were used.

Q. Did Thistlewood make any observation upon that. *A.* Yes, he said let us not to spare for 100*l.* let us roast them well.

Q. Did Watson make any reply to that. *A.* He said that it would burn so rapidly, and the stench would be so strong, that it would stifle them in a few minutes.

Q. Where were the combustibles to be placed. *A.* Young Watson and I were appointed to look after a house.

Q. Where. *A.* It was to be between the King-street barracks and the Portman-street barracks, so as to get there in a few minutes without being discovered.

Q. For what purpose. *A.* To lodge the combustibles and arms in.

Q. Were you to take it as a private house, or for a trade. *A.* For a trade; I believe we stated, that we would take it as an oil and colour-shop, so that there should be no suspicion, but that it was for a shop when we were taking in the combustibles.

Q. What passed more respecting it at that time. *A.* Then we were ordered to go next morning by Thistlewood.

Q. All were present. *A.* Yes, Sir.

Q. Any thing about price. *A.* Thistlewood said never mind the price, "but take the house at any price, as we do not intend to pay for it."

Q. Did Thistlewood say any more. *A.* He gave his orders to go up in the morning to look after a house, and the doctor to go and purchase the materials or combustibles.

Q. When was this to be done. *A.* This was to have been done upon the Sunday night following.

Q. Who said so. *A.* Upon the Saturday night following, about one o'clock, it was to have been done, that is in the middle of Saturday night and Sunday morning, and the attack upon the barracks was to have been on the Saturday night or Sunday morning, as upon Saturday night there would be a great number of people going about drunk.

Chief-justice Ellenborough.—*Q.* What day of the month was that.

Mr. Gurney.—Between the 9th and 10th.

Q. You were to go next morning about the house; was any thing said at this meeting, what was to be done with the house when it was got. *A.* Yes, I was to go and be as young Watson's servant; and he was to be the master, and we were to lodge the whole of these ingredients in any manner we could collect them together, and to bore holes in the handles to put the pikes on.

Q. To fasten the pikes upon the sticks. *A.* Yes.

Q. Was any thing said here about who was to command. *A.* Yes, it was fixed who was to command.

Q. What passed, and who said it. *A.* Thistlewood.

Q. Said what. *A.* That the whole of us were to be chosen, and what command we were to take.

Q. Did Watson say any thing. *A.* He proposed me

as the fourth in command ; Thistlewood was to be the first, Watson the second, and Harrison the third.

Q. Who was to be the fifth. **A.** Thistlewood proposed young Watson, as the nimblest and youngest ; and he himself was to be the last.

Q. Did any thing pass about the committee. **A.** Yes, it was then arranged that they should have a committee called of common safety.

Judge Bayley.—**Q.** Who proposed that. **A.** Thistlewood.

Q. What to do. **A.** To be called together if we had got the better of the soldiers. If the soldiers joined us, we were to be called together, and to form a new parliament.

Q. If you succeeded. **A.** Yes, if we succeeded.

Q. Were any names mentioned by them for this committee. **A.** Yes, by the greatest part of them, those who thought of any name were to mention it, but the greatest part were mentioned by Watson and Thistlewood.

Q. How many names were mentioned that day. **A.** I believe twenty-four.

Q. Do you recollect some of the names. **A.** I recollect a few of them. These were Sir Francis Burdett, the Lord-mayor, Lord Cochrane, Mr. Hunt, Major Cartwright, Mr. Gale Jones, Mr. Rodger O'Conner, Esq. Fawkes of Bainbridge, Yorkshire, a person of the name of Brookes, Thomson of Holborn-hill, the two Evans's, and Watson the elder, and Thistlewood.

Q. What was done next. **A.** I believe there was nothing very particular took place.

Q. Do you remember any thing as to a proclamation. **A.** Yes, one was to be issued immediately as soon as we had got the better, announcing that the new government was to be established, and a bounty of 100*l.* was to be offered to the soldiers, or double pay for life, as they chose, if they would join us.

Q. Was there any other observation. **A.** Yes, there was an observation made by Thistlewood to the elder Watson, calculating how much it would amount to, provided they took the 100*l.*

Q. Did he calculate. **A.** He did calculate.

Q. What did he say would be the amount. **A.** Some where about 2,000,000*l.* which was nothing compared to the national-debt, which was to be wiped off.

Q. Do you remember Harrison making an observation.

A. Yes, he said that when we called the people together, we might not find so many as we expected.

Q. What answer was given. A. The answer was given by Thistlewood, that he did not mind if he got 200 or 300 persons to join, he was determined to act, as he would not wait longer than Saturday night or Sunday morning.

Q. How long did you remain together in that committee. A. From 11 o'clock in the morning till 5 or 6 in the evening.

Chief-justice Ellenborough.—Q. Upon what day. A. Upon Sunday, the 3d.

Mr. Gurney.—Q. And Thistlewood said that he would act next Saturday night.—A. Yes, Sir.

Q. When you parted when did he and you settle what you should do. A. It was then agreed that we should go to the different places to see what number of men we could calculate on so as to give in the calculation to Thistlewood, and how many men each of us could get together.

Q. Did you then separate for this purpose. A. We did.

Juror.—Q. Who went. A. The whole six separate, in different ways.

Mr. Gurney.—Q. And you were to meet and report to Thistlewood. A. Yes.

Q. Where did you go to. A. Thistlewood and I went up to Paddington.

Q. To the public-houses. A. Yes to those we had been at before.

Q. Did you find any navigators there. A. Yes, several.

Q. What passed. A. Similar conversation as before; we gave them something to drink, and we had some conversation as before concerning them, and desired them to get all they could, as we should want them in a few days, but we did not tell them what they were wanted for; a servant-man spoke rather violently, and Thistlewood told him to bring any thing in the shape of a weapon, such as a stick with a spike-nail, or any thing that would run into a fellow's guts. I beg your pardon, my lords, (addressing their lordships.)

Q. That was addressed to one man, who talked more violently than the rest. A. Yes, Sir.

Q. To how many houses about Paddington did you and Thistlewood go to. A. Three.

Q. The third you had before spoken of. A. Yes.

Q. Do you remember the names of them. A. I did

not inquire, the one is at the corner of Lisson-street, or Lisson-green.

Q. Is one of them kept by a man of the name of Smeed.

A. Yes, I think it is.

Mr. Gurney.—We will shew it to be kept by that person.

Q. The next morning, Monday, where were you to go.

A. To Greystoke-place, I believe, to report.

Q. Did you and young Watson go to any house. A. On Monday morning I and the elder Watson met at Red-desdale's, or Randale's.

Mr. Gurney.—The man has quitted the place, and we cannot be sure of his name.

Q. That is in Long-acre. A. Yes, Sir.

Q. Did the elder Watson stay with you. A. He parted, and I and young Watson went to the King-street barracks to look for a house.

Q. Did you find any empty house. A. We found an empty house, which I thought would answer the purpose, I think somewhere in Seymour-place.

Q. Who shewed it to you. A. A woman shewed it, and said she had the care of it, to shew to any one who called.

Q. Whom did she say it belonged to. A. To a timber-merchant, near Milbank, a little lower down upon the left-hand side.

Q. Did you and young Watson go there. A. He went in, and I stopped outside.

Mr. Gurney.—The name of the landlord is Cossar.

Chief-justice Ellenborough.—Q. Was that the name. A. Yes, my lord.

Mr. Gurney.—Q. A timber-merchant. A. Yes, Sir.

Q. When you got to Mr. Cossar's, did you both go in, or one of you. A. Young Watson went in, and I stopped outside.

Q. When he came back, did he tell you the result of his inquiry. A. He told me he had seen Mr. Cossar himself, who told him that there was fourteen or fifteen pounds to pay for fixtures, and that he had given Thistlewood's address, as a reference was required, and he referred him to Thistlewood.

Q. Where did Thistlewood live. A. In Southampton-buildings.

Q. Did young Watson and you then go to Greystoke-place. A. Yes, we did.

Q. Whom did you see there. *A.* We met the whole of the committee.

Chief-justice Ellenborough.—*Q.* Where is that. *A.* Greystoke-place, Fetter-lane.

Mr. Gurney.—*Q.* Did you report what you and young Watson had done. *A.* Yes, Sir.

Q. And what was said upon it, or about it. *A.* Thistlewood said very well, he should attend at home, and asked when would Cossar call; and Watson told him Mr. Cossar said he could not conveniently call for a day or two; and Thistlewood said, that if he called for the money, he, Thistlewood, must give young Watson a check for the money; young Watson had given his name to Cossar, and Watson was to draw upon Thistlewood for the money.

Q. Did any thing else occur. *A.* Yes, I believe Preston had made his report, what number of people he had had meeting at Spital-fields; I am not confident whether young Watson reported at that time or not, but Preston reported what number he had had at Spital-fields, and he wished as many of us as could to meet at that house where he had appointed at Spital-fields.

Q. Did you go that evening to Spital-fields. *A.* The whole of the six went there that night; Hooper went as well, who had not then become one of the committee.

Q. What house did you go to that night. *A.* I really cannot say; I do not know the name of the house, nor the street, but it was near or in Spital-fields.

Q. Was there a meeting of a great number of persons. *A.* A great number.

Q. How many. *A.* Sixty or seventy, or more; there was more than the room could well hold.

Q. Was there any chairman. *A.* There was.

Q. What was his name. *A.* One John Dyll, I believe.

Q. Did Watson say or read any thing there. *A.* He read something in the form of a petition.

Q. What did he call it. *A.* A petition to present to either of the houses of parliament, or to his royal-highness the Prince-regent.

Juror.—*Q.* Was it Watson senior or junior. *A.* It was the elder Watson.

Chief-justice Ellenborough.—*Q.* You do not know whether it was to the Prince-regent or to parliament. *A.* I did not know, my lord.

Mr. Gurney.—*Q.* Whom did you come home with. *A.* We all came away together ; but Thistlewood and I came with each other, and he said that the only outcry of the people was that they wanted arms, and that I was to get 250 more pikes made, which made the number 500.

Chief-justice Ellenborough.—*Q.* Was it 250 more pikes. *A.* Yes, my lord.

Mr. Gurney.—*Q.* Did you, a night or two afterwards, go to Spital-fields again, or to that neighbourhood. *A.* Yes, a night or two afterwards ; namely, upon Thursday.

Q. To the same house. *A.* Not till some time afterwards, when another meeting had broken up ; it was a meeting of the same kind, to see how many men could be called together.

Q. When was that meeting. *A.* Upon the first Monday night ; and the elder Watson proposed that the copies of the petition should be printed and provided, and left for their inspection. We found the house not large enough, and five houses were appointed. Watson proposed that it should be printed, and that there should be one left at the whole of those houses for their inspection ; Dyall was to have them.

Chief-justice Ellenborough.—*Q.* Was it old or young Watson. *A.* It was old Watson who read it.

Mr. Gurney.—*Q.* Was it on Wednesday or Thursday. *A.* I cannot say which of them.

Q. Did you go to the same house you went to first. *A.* No, we did not, but to another house, I believe some where about Brick-lane. I do not know the name.

Q. Was there a meeting there. *A.* Yes, there was.

Q. What number of persons attended. *A.* Twelve or fourteen.

Q. Who was in the chair. *A.* Dyall, who read the same petition, and as those could not be got printed in time, two or three were written by Crisp, who had been employed by Watson to write them ; I saw him employ him, and he wrote part of them at the Cock, in Grafton-street.

Q. And Dyall read part of them at this meeting. *A.* Yes.

Q. How many of your committee were there. *A.* There were three of our committee at that house, and others were divided among the different houses.

Q. You tell me there was only three of that committee there. *A.* No, I should say there was only two, Hatkinson

and Hooper were there, but Hooper had not then joined the committee, the remainder were at the different houses.

Q. Did you join Thistlewood that night at all. *A.* Yes, I did.

Q. Where did you join him. *A.* At the house at which I had been at the former meeting.

Chief-justice Ellenborough.—Q. How did you find your way there, not knowing the house. *A.* I went with Harrison and Hooper who knew the way.

Mr. Gurney.—Q. Did Thistlewood, Harrison, and you walk home together. *A.* Yes, Sir.

Q. As you were walking along, did Thistlewood say any thing. *A.* Yes; he said he was much disappointed in not finding so great a number as had been talked of.

Q. Did he say what number he had found at the house he had been at. *A.* No, he did not.

Q. Did Harrison say any thing upon that. *A.* He said that none of them had got money to call for any thing to drink, and for what little beer we had we were obliged to pay for ourselves, as none of them had got any.

Q. Did any thing more pass as you walked home. *A.* Nothing particular, except that Harrison said, "I told you you would find yourselves disappointed when you came to call them together; if you were to treat them with drink you would find the half of Spital-fields would come."

Q. On Friday did you meet again in Greystoke-place. *A.* Yes.

Q. How many of you. *A.* The six.

Mr. Gurney.—That would be the 8th of the month.

Q. Did Thistlewood make any communication to you there. *A.* Yes; he communicated to us there that Mr. Cossar had called upon him.

Q. About what. *A.* About the house in Seymour-place; he did not know whether he would let him have it, but he desired young Watson to go immediately and get the key, as we would put the ingredients in.

Q. He desired him to go to Cossar, and if he could get the key of the house, to put the ingredients in. *A.* Yes.

Q. Any directions about the money. *A.* To go and draw upon him for the amount.

Q. About what. *A.* About a quarter's rent, he told him to draw a check upon him at eight or ten days for the money.

Q. In the evening did you see young Watson again with the rest of the party. *A.* Yes.

Q. Did he report. **A.** Yes, he did ; that he had seen Cossar, and he had made an objection to letting him have it without a quarter's rent being paid, as Mr. Cossar thought it was not a house adapted for business of that kind, being a new neighbourhood.

Q. In consequence of this difficulty, did you succeed in getting a house or not. **A.** No, we did not.

Q. Upon the Sunday after this you did meet at Grey-stoke-place. **A.** We did.

Q. All the committee, or part. **A.** The whole of the committee.

Q. Was any proposition then made by Harrison. **A.** Yes ; he said, I told you you would be disappointed when you came to call the whole of them together, and I would advise you to call a public meeting, to see how many people would be called together.

Q. What answer was given to this. **A.** It was unanimously agreed to.

Q. What place was talked of. **A.** Spa-fields ; and young Watson and Thistlewood went out to look at the ground, leaving us sitting.

Q. Did they come again to you. **A.** They came back and then reported a very famous place, as it was so near to the Tower and the Bank, that they could get into the town and take them by surprise.

Q. Was it settled how the meeting was to be made known. **A.** Yes.

Q. How. **A.** Thistlewood said, "now Doctor, let us draw up the bill."

Q. What do you mean by the bill. **A.** It was written in the form of a small bill and placard.

Q. What was to be done with those bills and placards. **A.** The placard was to be stuck up upon the walls, and hand-bills were to be distributed about, amongst the mechanics and the lower orders of the people, such as Paddington, Petty France, and in the Borough.

Q. What places were mentioned. **A.** In the Borough amongst all the factories, and at Paddington, Petty France, and Spital-fields, one day going in one direction, and another in another.

Q. Did any thing pass about what you were to have at the meeting. **A.** Not just at that time ; the bill was drawn up, read, and unanimously agreed to, and it was to be put into the Statesman newspaper as soon as we could.

Q. And when was the meeting to be called. A. On Friday, the 15th of November.

Q. It was to be put into the Statesman newspaper. A. Yes; I think it was, but I am not certain.

Q. How many hand-bills and placards were to be printed. A. I believe there were 500 small and 250 large to be first printed off-hand immediately.

Q. Did either of your party go away to get this done. A. The elder Watson undertook to get this printed, as he knew a printer with whom he had formerly lodged in Fetter-lane.

Q. Did he go away? A. Yes, he went to this printer.

Q. Did he come back? A. Yes, he came back and said the printer wanted one pound to go on with and purchase the paper.

Q. Did any person produce money upon this? A. Thistlewood produced a ten-pound note, to get it printed immediately, and to pay me as much out of the remainder as would pay for the pikes.

Q. Do you know the printer's name? A. It was mentioned, but I cannot recollect it.

Q. Was it Storer? A. Yes, I think it was, but I cannot recollect the name.

By Chief-justice Ellenborough.—Q. When was this? A. This was on Sunday, the 10th.

By Mr. Gurney.—Q. While Watson was gone, do you remember any conversation that took place? A. Not particularly at the present moment, only he was gone some time.

Q. Do you remember any thing passing about a waggon, at that time? A. Yes, Thistlewood asked who would undertake to get a waggon; he did not address himself particularly to me.

Q. For what purpose? A. He said, "who would undertake to get a waggon to speak from;" and I undertook to get it; and he asked me "what I could get it for?" and I answered 40s. or 50s.

Q. Do you remember any thing more material passing at that meeting? A. Yes, concerning that we should have a flag of three colours, green, red, and white, and that his wife should make it. He asked the Doctor what would be the best motto to put upon it.

Q. Did Mr. Watson give him the motto? A. He took up a pen and wrote what it should be, and the words were, "*Nature, Truth, and Justice*;" these were three of the words.

Q. Was it the same motto you afterwards had upon the flag that was at Spa-fields? A. Yes, the very same.

Q. Did any thing more pass that you remember? A. It was merely appointed that I should carry the flag, being the strongest and the tallest.

Q. When you parted did you make any appointment to meet next morning? A. I was requested by Thistlewood to go to Paddington to half a dozen navigators to come by the Cock, in Grafton-street, and to have half a dozen large placards fastened on their backs on pasteboard.

Q. Did you go that Sunday night to Paddington? A. Yes, I did.

Q. Did you appoint any navigators for that purpose? A. Yes, Sir.

Q. Where did you meet any of those parties upon Monday? A. At No. 9, Greystoke-place.

Q. Before that had you met any of them? A. I was to meet the two Watsons next morning at a coffee-shop, in Kingsgate-street, High Holborn, at eight o'clock in the morning.

Q. For what purpose? A. To receive the money from the elder Watson to go and fetch away the pikes, and to buy two nail-bags to put them in, and to bring them away.

Q. Did you meet the two Watsons there on the Monday morning? A. I did.

Q. Did the elder Watson produce any money? A. He gave his son five one-pound notes to go with me to Bentley's.

Q. Did young Watson and you go away together? A. We did.

Q. Did you purchase any nail-bags? A. Young Watson purchased them when I went to Bentley's to get the bill made out.

Q. How many pikes had he made? A. Two hundred and fifty, I believe it was, or somewhere thereabout. I went to Bentley's first; then he, Bentley, and I, came to the wine-vaults, in the corner of a court leading out of Hart-street, and there I met young Watson, and he produced the nail-bags.

Q. Where is that house or these wine-vaults? A. The corner of some alley leading out of Hart-street into Long-acre; I think it is called Leg-alley.

Q. Did Bentley produce his bill? A. Yes, Sir, and I paid him. Young Watson gave me the money in the presence of Bentley.

Q. About how much was the money for the pike-heads? A. I cannot say, but I think it was three pounds fifteen shil-

lings that was paid there, after giving me credit for what I had paid, namely, a pound.

Q. Where did you go for the pikes? A. We went altogether to his cellar, where the pikes were, and Bentley assisted in putting the pikes into these bags.

Q. Where did young Watson and you take them to? A. To Hyde-street, Bloomsbury.

Q. Did both of them lodge there? A. For any thing I knew.

Q. Is that the shop of Mr. Bannister? A. It is a parlour that he lodges in.

Q. Did he and Watsons lodge there? A. I had been there with them.

Q. And when you took them into this lodging, where were the pikes deposited? A. Under something like a sofa-bed, or bedstead.

Q. (By Chief-Justice Ellenborough.) It was a bed of some description? A. Yes, my Lord.

Q. (By Mr. Gurney.) These were the iron part of the pikes—the pike-heads? A. Yes, Sir.

Q. And when young Watson had done this, did you go to Greystoke-place? A. We did.

Q. Did you produce the bill and receipt of Bentley? A. I did.

Q. To whom? A. To Thistlewood.

Q. Did he desire you to destroy it? A. Yes, which I did immediately.

Q. In his presence? A. Yes, Sir.

Q. Did you and young Watson inform them that you had got the pikes? A. We did.

Q. Were you then sent to the printer for the bills? A. The elder Watson and I went to the printer for the bills.

Q. What did you do at last? A. I afterwards saw him.

Q. Was you alone, or was Watson with you? A. The elder Watson.

Q. What said the printer? A. He said that he had been making necessary inquiries; that he was at some office, and made inquiries, and that he was afraid it was dangerous, and he had inquired whether it was legal to print them or not.

Q. Was this the printer that the elder Watson had been at before? A. Yes, Sir.

Q. Can you tell the name of the street? A. About two or three doors from Fleet-market, in Fetter-lane, upon the left hand side of Fleet-street.

Q. Was that Fleur-de-lis-court? A. I don't know, but I went in at the bottom door.

Q. What more did the printer state? A. He stated that he was afraid he might some time get himself into trouble, and therefore he would rather have nothing to do with them: he had got nearly 200 finished, and he would destroy them.

Q. Did he produce any of the bills printed? A. He did, but he would not let them go out of his hands.

Q. What was then done? A. His wife, and several of us, and another gentleman who was with him, and another who came in afterwards, all wanted to persuade him to let us have them, and we should cut his name off so that he should not get into any harm.

Q. What answer did he give to that? A. He said no, he would have nothing to do with them, and that he should destroy them; and he said you may take the paper not used away with you: some of it was wetted and ready.

Q. Did you and the Watsons return to Greystoke-place? A. Not immediately; but we went to a public-house to have something to drink: we went away, leaving him to consider of it, and then Watson brought the paper to me.

Q. Then Watson brought the paper to you at the public-house? A. Yes, Sir. Watson had been with him again, and had not succeeded, and he then brought the paper again to me at the public-house.

Q. Did you carry the paper then to Greystoke-place? A. Yes, and Watson accompanied me.

Q. Watson the elder? A. Yes, Sir.

Q. Did he and you report to the committee? A. Yes.

Q. Is that what was resolved upon? A. It was resolved that, as it appeared from his report that we had not yet got them printed by Storer, Watson the elder should go to one of the name of Seal, a printer, in Tottenham-court-road, to see if he would print it.

Q. For what purpose? A. To get 250 printed off immediately, even if he paid an extra price for them.

Q. Did he go? A. Yes, he did.

Q. Did he return whilst you were still sitting? A. Yes, he did, and made a report.

Q. What report did he make? A. That there would be 250 copies ready by eight o'clock on Wednesday morning.

Q. This was Monday the 11th? A. Yes, the Monday before the meeting.

Q. Did he report any thing about sticking them up? A. He reported that he had got a man who would stick them at two shillings and sixpence per hundred, for the small ones, and four shillings or four shillings and sixpence, I am not certain which, for the large ones.

Q. Did any thing pass about any persons to be invited to attend the meeting? A. Yes.

Q. What? A. As to Sir Francis Burdett and Mr. Hunt, there was a letter to be wrote to invite them to attend the meeting.

Q. Was any letters written whilst you were together? A. Yes.

Q. By whom? A. By the elder Watson to these gentlemen, and sent away.

Q. Any advertisement? A. Yes.

Q. In what paper? A. I believe it was in the Statesman.

Q. And money was given to the younger Watson? A. Seven or eight shillings he received from Thistlewood, to go and get it put in immediately. The first paper that Thistlewood sent him to they refused putting it in. I am not certain which paper it was, but I believe it was the Times.

Q. (By Mr. Wetherell.) Who was present when this passed? A. The whole of them.

Q. (By Mr. Gurney.) Were you to do any thing about getting the bills distributed? A. Yes, Sir; I was to collect the six navigators at the Cock, in Grafton-street.

Q. What to do? A. To have the placards stuck upon their backs, and to go in different directions among the soldiery, and to distribute the hand-bills amongst them and the manufactories.

Q. Were you and the others to do any thing as to these bills? A. Yes, to see that they distributed them properly. Harrison, I, and Preston were to follow the bill-stickers to see that they did not make away with them.

Q. Did you appoint the navigators accordingly? A. Yes, Sir.

Q. Did you go upon Tuesday, the 12th, to the Cock in the morning? A. Yes.

Q. Were the bills come from Seal's. A. No.

Q. Upon that did you go to Seal's for them? A. Yes, and Hooper with me.

Q. Did you bring any to the Cock? A. Yes, I did.

Q. Placards and bills both? A. Yes, both; and Hooper was with me.

Q. Did the men come that you had engaged? A. Yes.

Q. Who were they? A. Navigators from Paddington.

Q. How many? A. Six, I believe.

Q. What did you do with respect to those six? A. We gave them some bread and cheese and porter.

Q. What was done as to the placards? A. Thistlewood

and the whole of the committee were there ; and he sent out to purchase pasteboard and string to tie them upon their backs.

Q. And there were placards pasted upon pasteboard and tied upon their backs ? A. Yes, and sent out one by one, as fast as could be done.

Q. What directions were given to these men with the placards upon their backs ? A. To walk very slowly in the populous parts, among the lower orders of the people ; they had a shilling each given to them, and they were to stop if they got a crowd round them, and to deliver the small bills out, but not to deliver them in extravagance.

Q. Was any thing said about the sort of people they should give them to ? A. Such as soldiers, and the lower orders of mechanics, and others out of employ, and to deliver them into the different factories.

Q. What else besides the shilling at starting were they to have ? A. Another shilling when they returned in the evening.

Q. They had had bread and cheese and beer ? A. Yes.

Q. Was that to be their only day's work, or were they to work next day ? A. They were to work again next day, and they were to return to the Cock in the evening, and to receive the remainder of their money, and receive their directions : the three that I was to pay, and the other three that Preston was to pay were to come to a house in Spital-fields to receive the remainder of their shillings.

Q. Did any other person bring any bills or placards from Seals ? A. Yes, the elder Watson brought some.

Q. Did you and any other person follow the men, and see that they obeyed the orders ? A. Yes, Sir.

Q. Who with you ? A. Hooper went part of the way with me, and we distributed them in different public-houses, and stuck them up where they would let me.

Q. Were these placards for the first meeting in Spa-fields, of the 15th of November ? A. Yes, Sir.

Justice Bayley.—You had better shew him one of them. [Here one of the bills was shewn to the witness.]

Q. (By Mr. Gurney.) Is that one of the small ones ? A. Yes, this is one of them.

Q. Were the large ones the same ? A. Certainly they were the same words.

[Here the bill alluded to, calling a meeting of the distressed mariners, &c. artisans and others, signed by Dyall, the chairman, and Preston, the Secretary, was read to the witness.]

Q. In the course of your walk did Hooper and you get to Charing-cross? A. Yes, Sir.

Q. Did he tell you any thing then? A. He told me that he had stood upon the rails at Charing-cross, and had stuck one of the bills upon the pedestal of King Charles, and which bill I afterwards saw there.

Q. Did he tell you whether any person had spoke to him when he was doing so? A. Hooper told me that he was interrupted by a person who attended the horses there, who told him that he could get from him a penalty of twenty pounds for going over the railings, if he thought proper.

Q. In the afternoon you met the men and paid them? A. Yes.

Q. At the Cock? A. Yes, Sir.

Q. Who met there besides you on the afternoon of Tuesday, the 12th? A. Harrison and Thistlewood; there were three men came to me to pay; the elder Watson and the whole came there afterwards.

Q. The next morning did you go to the Cock again? A. Yes, Sir.

Q. Did the Committee meet? A. Yes.

Q. That was Wednesday, the 13th? A. Yes.

Q. Did the navigators come there? A. Yes, Sir.

Q. Upon the Wednesday morning? A. Yes.

Q. Did you go that evening to meet them at Greystoke-place? A. No, we did not all of us meet; it was in consequence of a quarrel between young Watson and Harrison that they did not all meet.

Q. Who reported that that quarrel had taken place? A. Young Watson.

Q. Who were present when Watson made that report? A. The whole, except Harrison.

Q. Then there were five of you? A. Yes, Sir.

Q. What did young Watson state—that there was a quarrel? A. He stated that Harrison being over particular in something or other in going to Seal's about the bills, young Watson said to him, that if we had not known you well, I should have thought you a mar-plot.

Q. Did young Watson state what answer Harrison had given to that? A. That Harrison said, that he (young Watson) was so violent, that if they did not mind, he (Watson) would bring them into trouble, and that he (Harrison) would have nothing more to do with them.

Q. So young Watson reported? A. Yes, Sir.

Q. What effect had this report upon your Committee? A. It threw the whole of us into a state of alarm.

Q. What did you resolve upon in consequence? A. We resolved to meet at another place, but still it was unanimously thought that he would not deceive us, and that it was prudent we should have another place of meeting.

Q. What do you mean by the expression "would not deceive you?" A. That he would not disclose that there was a Secret Committee, and that he would not destroy the plan intended. We agreed to meet again late in the evening, and in the mean time Thistlewood then desired me to call upon Harrison to know why he had withdrawn.

Q. Before you separated, did you appoint any person in Harrison's place upon the Committee? A. Yes, we appointed Hooper upon the Committee.

Q. What place did you appoint the Committee to meet that evening? A. I think they call it the Blue Last, by Salisbury-square, near the water-side.

Q. That is, Salisbury-square, by Fleet-street? A. Yes, Sir.

Q. Were you to bring any person with you? A. I was to bring Hooper with me.

Q. Did you, in pursuance of whatever was resolved, go to Harrison? A. I did.

Q. Did you afterwards report to the Committee what passed between you and Harrison? A. I did.

Q. What did pass between you and Harrison? A. I called and informed him that young Watson had told me that he had withdrawn himself, and I wished to know the reason of it.

Q. What did Harrison say? A. He said he had, and wished me to withdraw myself also, as he was well convinced that young Watson was so violent, that he would get himself into trouble and every body else.

Q. Did you go to the Cock in Grafton-street? A. Yes, Sir. I should mention that Harrison told me that he would have nothing more to do with it, and that he would not attend the Spa-fields meeting.

Q. Did you meet Hooper at the Cock, in Grafton-street? A. Yes, I did, after leaving Harrison, and I informed Hooper that he was chosen one of the Committee in place of Harrison, and he wanted to know the reason.

Q. Well, Sir? A. I told him that young Watson and Harrison had had a quarrel, and that Harrison had turned traitor.

Q. What answer did Hooper make to that? A. He said he would not believe it, and Harrison came in at that identical moment to the Cock, where we were. Hooper

addressed himself to Harrison, and said, that Castle has been telling me that you have turned traitor, but I won't believe it, unless I hear it from yourself.

Q. What was said upon that? A. I said no, I had not said that he had turned traitor, but I had informed him that young Watson had gone so far as to call him a mar-plot, and upon that Harrison replied that he had withdrawn from them, and that he should not attend the Committee any more, nor the meeting in Spa-fields.

Q. He confirmed what he had said to you? A. Yes, Sir.

Q. Upon this did Hooper and you go to the Blue Last public-house, where you had appointed to meet the Committee? A. Yes, we did, we withdrew to it immediately.

Q. Did you all meet there? A. There were none there when we came in, but they all came in after we got there.

Q. Did you stay there, or immediately go away? A. We stopt some time.

Q. Did you go away soon after? A. Yes.

Q. Why? A. Because there were other people in the house, and because the house was so full.

Q. Where did you go to? A. To No. 9, Greystoke-place.

Q. What room did you go into there? A. The two-pair back room, where there was no window, and no person could overlook us.

Q. Then there were all five of you there? A. Yes.

Q. And Hooper made the sixth, and he was informed that he was chosen in place of Harrison, as Harrison had withdrawn himself, and the whole of the plan was explained to him?

Q. Did you there arrange your plan for the Friday? A. Yes.

Q. Do you mean the plan as to the barracks, or the plan as to the next meeting on Friday? A. The plan for the barracks was done away with, and the plan of Friday was to see how many people could be raised together.

Q. (By Mr. Wetherell.) You mean that the plan or speculation of destroying the barracks was given up? A. Yes.

Q. (By Mr. Gurney.) What was the reason? A. On account of not getting a house.

Q. Then the plan for the next Friday was talked of? A. Yes, Sir.

Q. What did you say about it? A. It was proposed for us to meet there, and the old Watson and young Watson

and Preston were to have made a speech, and addressed the mob from waggons.

Q. At what period of the meeting were they to have addressed the mob? A. They were to be there by twelve o'clock, before Hunt came.

Q. What time was Hunt to be there? A. Precisely at one o'clock.

Q. They were to address the mob before Hunt came, and what then? A. If Thistlewood saw the spirit of the people was ready to act, we were to jump down, and head the mob into the town.

Q. (By Chief-justice Ellenborough.) By we, whom do you mean? A. The whole of the six of the Committee.

Q. (By Mr. Gurney.) Well, Sir? A. There were six cockades, and some flags to be prepared, and those cockades were to be placed in our hats or bosoms, or wherever they liked to put them, and the flags were to be prepared.

Q. Was any thing arranged about what should be done for weapons? A. Thistlewood said, that if they (the mob) called out for weapons, we were to tell them that we should soon find them weapons.

Q. Where was it said that you were to tell them you would soon find them weapons? A. The different gun-smith's shops: at that time there were scarcely a gun-smith's shop in London but which was inspected, to see what number of guns they contained, to see how many there were.

Q. Was that mentioned? A. Yes.

Q. To see what arms there were there? A. Yes, to see what number of arms there were, and the situations they stood in, so that they might go directly to them.

Q. Who was it that mentioned the reason of the gun-smith's shops having been thus inspected? A. I cannot exactly say whether it were the elder Watson or Thistlewood who mentioned this, but it was one or other of them.

Q. Was it said what should be done when these arms were got from the gun-smith's shops? A. Immediately to go down to the Bank, and take it by surprize.

Q. Any other place besides? Was the Tower mentioned? A. The Tower also: the Bank and Tower.

Q. Was any thing more said at that time? A. That if the Bank were taken, it was then stated how we were to proceed, and what was to be done.

Q. How? A. We were to get all that possibly could be got at the top of the Bank and to barricade it.

Q. If the Bank were taken you were to collect as many people at the top of the Bank as possible? A. Yes, Sir,

Q. What do you mean by that? A. To destroy the soldiers, we were to get men, to be placed upon the roof of the Bank, if they should come and attempt to re-take it: they were not only to get to the top of the Bank, but to get upon the tops of the surrounding houses, and to get glass-bottles, and every thing that would kill or hurt, and the whole of the Bank books were to be brought out, and if any thing were to be happening, we were to burn the books in order to do away with the national debt.

Q. Did your Committee meet again upon the Thursday, next morning, the day before the first meeting? A. Yes, it did.

Q. All the six of you, Hooper then being one? A. Yes.

Q. Now when you speak of the six we are to understand you substitute Hooper instead of Harrison? A. Harrison has completely withdrawn himself.

Q. Did you receive any more bills from Seal's that morning? A. Yes, I believe the remainder were brought from Seal's.

Q. Were the bills and placards sent out as before? A. Yes, Sir, they were.

(Witness correcting himself) I beg your pardon, Preston did not meet us when at the Cock, in Grafton-street, he came to fetch the bills and went to some other place.

Q. In the evening did your Committee meet again? A. It did.

Q. (By Justice Abbott.) Where? A. I don't remember exactly where it was, but I think it was at Greystoke-place.

Q. (By Mr. Gurney.) Did Thislewood and Watson make any report to you there respecting Mr. Hunt? A. Yes, they said they saw Mr. Hunt at the Bouverie hotel, I mean Watson the elder said this, and that he had made an objection, and some alteration was wanting to be made in the petition that was to be read to the people, and that he (Hunt) wished to have one of his own.

Q. Did they report any thing more that Hunt said? A. That Hunt had had a letter from Sir Francis Burdett, and that his son was very ill at Brighton, and that he could not attend.

Q. Do you remember any thing more being said that came from Mr. Hunt? A. No, I do not recollect any thing particular.

Q. Did you agree to meet next morning? A. Yes.

Q. Where? A. At a Lincolnshire house, down by White-friars, near the Bouverie hotel.

Q. Were you to call at any place in the morning, before

you went to that house? A. I was to call at Thistlewood's to get the colours and the cockades.

Q. Were you to procure any thing for the colours? A. I was to procure a staff.

Q. When the Committee broke up where did you and Thistlewood go to the evening before the first Spa-fields meeting? A. I don't exactly recollect, except we went to the two houses where the soldiers use.

Q. Do you remember whether you went to Paddington? A. I believe we did, but I am not certain.

Q. Did you go to any houses at all? A. Yes, we did, we went to some houses.

Q. Did you and Thistlewood go together? A. Yes, we did.

Q. Do you remember any of the houses you went to? A. Not exactly; I don't remember, except we went to the Nag's Head, Carnaby-market.

Q. At any of the houses you went to what did you do? A. We went to invite as many as we could to come to the meeting at Spa-fields, and we distributed bills. I beg pardon, I recollect, we went among the soldiers, at the theatres, and distributed bills amongst them.

Q. Do you mean the bills for the meeting next day? A. Yes, we had got no other bills.

Q. Was any more distributed that day? A. Yes, by Thistlewood; we never went to any houses but we did give bills, if there were any working men or mechanics out of work.

Q. At either of the houses to which you went, did you see a person of the name of Gillan? A. Yes, Sir, who had originally been a servant in the second regiment of guards, I believe.

Q. Was any conversation held with him? A. Yes, Sir.

Q. Now in the morning of Friday, the 15th of November, did you go to Thistlewood's lodgings, in Southampton-buildings? A. Yes, I did.

Q. Did you see him? A. Yes, Sir, I did.

Q. What did you receive there? A. I received the colours and six cockades.

Q. The flag you mean? A. Yes.

Q. From whom, and in whose presence? A. From Thistlewood, in the presence of Mrs. Thistlewood and her son.

Q. Was there any inscription upon it? A. Yes.

Q. Was that the inscription which Watson had written? A. Yes, Sir.

Q. Upon Nature, Truth, and Justice? A. Yes, Sir.

Q. At the same time, did Thistlewood give you any money? A. Yes.

Q. For what purpose? A. To buy a staff for a flag.

Q. Did you buy a staff? A. Yes, upon the left side of Holborn.

Q. Did you then go to this Lincolnshire public-house?
A. Yes, Sir.

Q. Did the Committee all meet there? A. Yes, they did.

Q. Did you distribute the cockades? A. I did.

Q. Each of you took a cockade! A. Yes, Sir.

Q. Did you altogether go to Spa-fields? A. No, Sir, we found the staff not long enough, and Thistlewood desired me to go and get one longer from a gentleman, whom he knew well, a carpenter close by the public-house, lower down, close by the water-side.

Q. Did you buy one? A. Yes, and brought that back to the public-house.

Q. And was that approved of? A. It was approved of.

Q. And about what time did you leave the house to go to Spa-fields? A. About half-past eleven o'clock, or between eleven and twelve.

Q. Who left the house with you? A. Preston, Hooper, and Thistlewood.

Q. Where were the Watsons? A. They were at the Bouverie hotel, with Hunt.

Q. As you understood? A. Yes, as I understood.

Q. Old Watson was with you at the Lincolnshire house?
A. Yes, Sir.

Q. And he left you to get the staff? A. He told me he was going to the Bouverie hotel to his son.

Q. That hotel is within two hundred yards of this other house? A. It is close by it.

Q. What did you carry to Spa-fields? A. I carried the colours in my bosom, and the staff in my hand.

Q. Did you walk all the way, or take a coach? A. We walked all the way.

Q. Did you take any coach before you got to the fields?
A. There was a coach got after we were in the fields; we sent one Crisp to get a coach, and we gave the staff to him at the same time.

Q. To what part of the fields was the coach first brought?
A. To the public-house close by, looking into the fields.

Q. Who got into it? A. Hooper and Preston got into it, or at least got upon the box.

Q. Had he the care of the staff still? A. He still had the care of the staff.

Q. And where did the coach drive to? A. Towards the Merlin's Cave.

Q. Were you and Thistlewood at the Merlin's Cave together to stop for Preston? A. Yes, we were, four of our Committee, all up at the Merlin's Cave.

Q. At what time did the two Watsons come? A. They came with Hunt.

Q. Did they walk or come in a carriage? A. They came in a chariot, I believe.

Q. What did Hunt do? A. He got out and got upon the roof of the chariot in which he came.

Q. Where did you get? A. I got upon the box upon which Thistlewood was before me.

Q. (By Justice Abbott.) Was it the same carriage in which Hunt came, or the hackney-coach you had got? A. The carriage in which Mr. Hunt had come.

Q. (By Mr. Gurney.) This was opposite to the Merlin's Cave? A. Yes, Sir.

Q. And Thistlewood was upon the box? A. Yes, Sir.

Q. And Hunt got upon the top? A. Yes.

Q. Did you do any thing with respect to the colours? A. Thistlewood desired me to hoist the colours, and I made a motion to Crisp to hand the staff, and I took the colours out of my bosom, and tied it on as I stood upon the box of the carriage.

Q. Was there a very large assembly of people there at that time? A. Yes, a great quantity of people.

Q. Round the Merlin's Cave? A. Yes, Sir.

Q. Did Mr. Hunt begin to address this meeting? A. Yes, a few observations he was begged to address from the Merlin's Cave.

Q. Did he first address the mob from the top of the carriage? A. Yes.

Q. And then it was proposed to withdraw to the house? A. Yes, at the one pair window, facing the fields. Thistlewood got down and followed with the colours, and I handed the colours to some person in the one pair of stairs room.

Q. And did you, Thistlewood, and the two Watsons, go into the room where Hunt was? A. I found them there when I got up.

Q. Who was chosen chairman? A. A person of the name of Clarke, as I understood, but whom I never saw before, and never heard his name: Dyall was there, but he was

chairman. Mr. Hunt named Clarke as chairman; it was never intended that Dyall should be chairman.

Q. Did Mr. Hunt, from the one pair of stairs window of that house, address the populace? A. Yes, he did.

Q. After whatever was proposed did Mr. Hunt propose any adjournment? A. He did.

Q. To what time did he propose to adjourn? A. To a fortnight after the meeting of Parliament, I think.

Q. Upon Mr. Hunt doing this did he or your Committee say any thing to the other to do any thing else? A. Yes, Thistlewood desired me to desire Watson to tell Mr. Hunt to move an amendment to adjourn till Monday fortnight.

Q. Upon this did Mr. Watson move an amendment? A. He told Mr. Hunt, and Mr. Hunt adopted the amendment, and moved, or young Watson moved it, I am not certain which.

Q. However it came from Thistlewood to young Watson, and either he moved it himself, or proposed it to Mr. Hunt? A. Yes, and it was moved by Hunt, and unanimously agreed to.

Q. After the business was over, did all of you quit the Merlin's Cave? A. Yes, we did.

Q. When you got into the hackney-coach to return, were all but Preston in the coach with you? A. Yes, but he was not in.

Q. Was any thing done with respect to the horses? A. Yes, I shewed the colours out of the window, and the horses were taken out by the populace.

Q. And you were drawn along? A. Yes.

Q. Where were you taken to? A. We had not proceeded many yards, till by some means or other we were run against a wall, and we all got out, and walked to the Bouverie hotel, where Mr. Hunt was.

Q. Did you find Mr. Hunt there? A. Yes, Sir, we did.

Q. Did you dine together there afterwards all of you? A. We did all, except Preston.

Q. With Mr. Hunt? A. Yes, Sir.

Q. Did you and the other members of the Committee come away together? A. I and Hooper came away together.

Q. Did your Committee meet again on Saturday morning? A. I am not certain whether we did or not.

Q. Do you remember how soon after you did next meet? A. I believe the Monday following.

Q. You met neither on Saturday nor Sunday? A. I was at Thistlewood's house on Sunday.

Q. What did you go there for? A. With the colours, and I delivered them to Mrs. Thistlewood.

Q. Was Mr. Thistlewood there too? A. Yes, he was folding up newspapers to send into the country.

Q. What newspapers? A. Newspapers with advertisements telling when the meeting was to be called again.

Mr. Wetherell.—(To the opposite Counsel.)—I presume you have these newspapers here.

Mr. Gurney.—We have.

Q. Did you see Thistlewood direct any of them? A. Yes, Sir.

Q. To what kind of places were they directed? A. To different manufacturing towns, such as Sheffield, Birmingham, and Manchester, and the different public-houses he could recollect.

Q. Any other towns or places? A. Some to Lincolnshire, some to Yorkshire, and a variety of other places.

Q. Were they to be sent by the post? A. Yes.

Q. They were papers containing an advertisement for the next meeting? A. Yes, and as to the meeting that had taken place.

Q. They were papers containing an account of what had taken place? A. Yes. Either Thistlewood, or old Watson, or young Watson, had sent advertisements to the papers, and had given me money to insert the notice of next meeting.

Q. Where was that? A. At Greystoke-place upon the Saturday. I was not certain whether we met upon the Saturday or not, but now I think we did meet upon the Saturday.

Q. Upon that same Saturday was any hand-bill drawn up for next meeting. A. Yes, there was.

Q. At Greystoke-place? A. Yes, Sir.

Q. Who drew it up? A. The elder Watson.

Q. Did any thing pass at this meeting upon Saturday about any subscription? A. Yes.

Q. What was that? A. It was a paper drawn up by the elder Mr. Watson, that me and Hooper and Preston and himself, the whole of us, should go to different people who were likely to subscribe to defray the expences of the next meeting, as the whole of the expences of the last meeting had fallen merely upon one or two individuals.

Q. (By Mr. Wetherell.) Where is that paper? A. I don't know.

Q. Did Watson propose at the meeting that a paper should be drawn up soliciting subscriptions? A. Yes, there were

several drawn up, and that which was best approved was adopted.

Q. What became of them? A. Every paper was destroyed, or the greater part that could be found was destroyed: all that Thistlewood could find were always destroyed, for he was frequently reminding Dr. Watson of the danger of having papers about them, the danger that might occur, and that that would be the only thing to convict us.

Q. Repeat that which Thistlewood said to Dr. Watson?

A. To have all the papers destroyed, for if any were found upon our persons, it would be the only thing that would lead to the discovery of our plot. Once in particular, Dr. Watson had wrote a small piece of poetry, and among that were several songs, and he did not chance to be in the way at the time when they were found, and Thistlewood and myself looked over them, and he took away a great many of them, and other papers, and burnt them.

Q. Look at that advertisement in the Statesman, as to the subscription, and say whether that be what Watson drew up? (shewing the advertisement)? A. Yes, Sir.

Q. Young Watson was sent to the Statesman with it? A. Yes, Sir.

By Justice Bayley.—Does that agree with what you heard Young Watson read? A. Yes.

By a Juror.—Of what date is that paper? A. Wednesday the 20th of November.

Here the Statesman Newspaper, dated London Wednesday 20th November, 1816, calling the Spa-Fields meeting of Monday the 2d of November, was put in and read, in which the advertisement also called for subscriptions.

Q. Did you get some hand-bills printed like that? A. Yes, or something similar to that.

Q. Did you, Hooper and Preston go about to solicit subscriptions? A. Yes, myself, Hooper and Preston.

Mr. Wetherell.—What day are you upon now?

Mr. Gurney.—On Monday the 18th of November.

Q. How much did you get? A. We got about £2 the first day.

Q. Did you go about upon the second day? A. Yes, and every day till the meeting took place.

Q. To whom was the money you collected paid over? A. To the Elder Mr. Watson.

Q. In whose presence? A. In the presence of the whole Committee.

Q. In the course of this time between the first and second

meeting, did you and the younger Watson go to any places? A. Yes, Sir.

Q. Did you go to inspect any gunsmiths shops for instance? A. Yes, Sir.

Mr. Wetherell.—That is not a fair way of putting the question.

Q. For what purpose did you go? A. To see where the arms and ammunition were situated particular about the Tower, and amongst the various wharfs and gun wharfs, and those gentlemen who serve the different ships, such as ship chandlers and ship brokers.

Q. To see for what? A. Such as balls, cannister and grape shot, and to see what quantity there was.

Q. Upon how many different days did you and young Watson do this? A. Upon five or six days.

Q. Did you look at any other shops than these you described, namely, the ship chandlers, and ship brokers? A. Yes, two or three gunsmiths shops in the Minories.

Q. Did you look at any other description of shops? A. Yes, at the oil shops where there were any combustibles, such as oil, turpentine, and such things.

Q. To whom did you make your reports? A. To Thistlewood.

Q. Did the Committee meet daily? A. Yes, regularly to communicate every night what was done.

Q. Towards the close of the month, do you remember calling upon a person of the name of Keens? A. Perfectly well.

Q. Who called with you? A. Both the elder and younger Watson called with me, at different times upon one John Keens.

Mr. Gurney.—I have passed over something which I'll go back to.

Q. Before that did you go with Thistlewood to any place near the Tower? A. Yes, Sir.

Mr. Wetherell.—I object to that mode of leading an accomplice, who is supposed to know every thing.

Mr. Gurney.—I must conduct his mind.

Chief-justice Ellenborough.—How can you get at the circumstances without it?

Q. Who went with you? A. Thistlewood.

Q. To what part near the Tower did you go? A. We walked all round the Tower.

Q. With whom? A. I was with Thistlewood.

Q. Well Sir? A. We went into the Tower, and went

into one of the taps used by the soldiers, and gave the soldiers some beer, and also some bills for the second meeting.

Q. Is that one of the small bills you allude to? (shewing it.) A. Yes, Sir.

Here the bill was produced and read, beginning with "England expects every man to do his duty," which has been already given in a previous part of the proceedings.

Q. You distributed to the soldiers some of these bills? A. Yes, Sir.

Q. And gave them drink? A. Yes, Sir.

Q. Had you any conversation with the soldiers? A. Not any thing particular.

Q. Did you go to the Tower more than once? A. Yes.

Q. How many times altogether? A. Three or four times.

Q. Between the first and second meeting at Spa fields? A. Yes.

Q. Did you go alone or in company? A. I went once with Thistlewood, and at other times along with young Watson.

Q. You have given me an account of what passed when Thistlewood went with you, when you went with young Watson, had you any bills then? A. Yes, Sir.

Q. Did you distribute them among the soldiers? A. Yes, I distributed a great many in the Tower, and went down along by Blackwall, and all along the water side.

Q. Upon either of these occasions when you went along with young Watson, did you shew the soldiers any thing but the bills? A. Yes, and some coloured cockades, red, white, and green.

Q. How often? A. Twice.

By a Juror.—Was that in one of the taps? A. Yes.

Q. How many soldiers were there? A. About half a dozen, and a number kept coming in and out at times.

By Mr. Gurney.—Did you converse with the soldiers, you and young Watson? A. Yes.

Q. What was the nature of the conversation? A. We asked whether they would like to work for a master who would give them double wages, or be as they are.

Q. Do you remember any other things you said to them, you and young Watson? A. We asked them whether they would sooner fight for a big loaf, or for a little one.

By a Juror.—Were these words spoken loud enough to be heard all over the tap-room, or were they whispered? A. No, but not whispered.

Q. How many heard you? A. Three or four with whom we drank two or three times before.

By Mr. Gurney.—Which was what you addressed to these with whom you were drinking? A. Yes, Sir.

Chief-justice Ellenborough.—These people you were drinking with did they hear? Yes, my Lord.

By Mr. Gurney.—Did you give answers to shew that they did hear? A. Yes.

Q. What answer did they give? A. They all wanted the big loaf.

Q. Was the meeting of the Committee every day? A. Always once a day, sometimes twice a day; we met every night to give in our report.

Justice Abbott.—When the Committee met, was any report made of these communications? A. Yes, my Lord, of every place we had been to, and how we found the spirit of the people; every thing was reported regularly.

Mr. Gurney.—What passed as to some young women at one of the meetings of the Committee? A. It was proposed either by Thistlewood, or by the elder Watson, that if we could get a couple of hundred young women together, and dress them in white, to carry small flags and cockades, or if we had money sufficient to dress them all alike, which should be done.

Q. For what purpose? A. For the purpose of walking first, in order to take off the attention of the soldiers, that they should not ride over them, so as to give us time to address them.

Q. What do you mean by giving us time? A. I mean the Committee that was to head the mob.

Q. Do you remember calling upon Keens with the elder Watson, and another time with the younger, as you said before? A. Yes, Sir.

Q. For what purpose? A. He was chairman at the Nag's Head, a society of Spenceans.

Q. Did you and Watson request him to do any thing before the meeting? A. Yes, we asked him how long it would take him to make every one a great coat, or to make us six great coats.

Q. Is he a taylor? A. Yes, Sir.

Q. Six great coats for the Committee? A. Yes.

Q. Was there any other preparation for the meeting, do you remember with him? A. Yes, we asked him to come down and attend.

Q. To what end? A. To come and dine with us, at No. 1, Dean-street.

Q. At this time, who lodged at No. 1, Dean-street? A. Watson had taken a lodging there, for one week only, for fear we should be detected at Greystoke-place, which is near it.

Q. And you asked Keens to come and dine with you there? A. Yes, Sir, at No. 1, Dean-street, Fetter-lane.

Q. In the last week of November, did you go over the bridge with any one. A. Yes, with Thistlewood..

Q. What bridge did you go over? A. We went over London-bridge.

Q. Where to? A. Into the New-cut; I beg pardon, it was over Blackfriars Bridge.

Q. That is the road to the Marsh-gate, at Westminster-bridge? A. Yes, Sir.

Q. For what purpose did you go there? A. To hire a waggon, or a stage.

Q. For what purpose? A. To deliver a few speeches at the Spa-fields meeting.

Q. Did you find a person who had something of that sort? A. Yes, Sir.

Q. Do you know the name of that person? A. No.

Q. Did you find such a person? A. We found a person who said, he had a mountebank stage to sell.

Q. What did he ask for it? A. I think it was eight pounds.

Q. Did you see it? A. Yes, he sent one of his men to shew it to us.

Q. What did Thistlewood say to that offer? A. He offered to give him two pounds, for the loan of it, for a few hours, but the man said he never lent any thing out, but he would sell it.

Q. What reply did Thistlewood make? A. He said that he would send a man with it, and it would be perfectly well taken care of, but that person would not let it go, until he paid the money, and Thistlewood said to him, that he would be glad in the course of a little time, to give the whole of his giggs, stages, and carriages, for nothing; the man said he could not help it, he would abide by the consequence, and that he could not let it go without a security, he would sell it to him, and he might do with it what he pleased.

Q. Did you go to any other place? A. Yes, to several other places. He and I went to Richardson's, but got nothing there.

Q. Did you go to get a waggon? A. I was desired by Thistlewood to get a waggon, and I went to Westminster, to a person of the name of Wace, who recommended me, in Horse-ferry road.

Q. Do you remember his name? A. Windemude, or something like that.

Q. In consequence of his information, did you apply to Windemude? A. Yes, I went to a public-house, and sent for Windemude there.

Q. What did you apply to him for? A. For a waggon.

Q. For what purpose? A. To deliver a few speeches from, at Spa-fields.

Q. What price did he ask for it? A. Three pounds, and a boy was to have three-pence, for cleaning it out.

Q. Did you agree? A. I agreed to let him know the next day, whether we would take it or not.

Q. Did you see Thistlewood that evening? A. I did.

Q. Did you remark to him what you had done? A. I did.

Q. Did he approve of what you had done? A. He did.

Q. Did he direct you what to do? A. He asked me why I had not engaged it, and I told him that I was to let the man know next morning, and he told me to go and take it, and pay a deposit, as I had part of the money belonging to the Committee; I was to pay a deposit out of it.

Q. Did you do so? A. I did so.

Q. On Friday the 29th November, did you and young Watson go together any where? A. We did.

Q. Did you amongst other places, go into the Strand? A. We did, and into Exeter-change in the Savoy.

Q. What did you do in Exeter-change? A. To see how many guns, pistols, and sabres, there were in Exeter-change, and at a gunsmith's shop opposite.

Q. Did you look at any other shop in the Strand, besides the shop opposite? A. Both that and oil shops, and in one shop in particular, that had got a great quantity of swords and knives, and carving-knives.

Q. Did you go to the Horse-guards? A. Yes, we did.

Q. In what place? A. We went into the Canteen or tap.

Q. Did you go to the Savoy? A. Yes, we went among the people, who were working at the new bridge, near the Savoy.

Q. Did any thing particular pass there? A. We delivered bills amongst them, and invited all that we could find there, and did the same at the Fox under the hill, where there were a number of coal-heavers.

Q. Then you went to the Canteen, or tap at the Horse-guards? A. Yes.

Q. Did you see any soldiers there? A. Yes.

Q. Did he, Watson, or you, say any thing to them? A. Yes, we did, and we asked them if they had heard any news.

Justice Bayley.—Which of you spoke? A. Watson the younger.

Q. Did he explain what he meant by any news? A. The soldiers asked us what news, and we told them that there were 50,000 Russians coming, and that there were 20,000 of them landed at Woolwich.

Q. What answer did any of the soldiers give to that? A. They said they could not think that government had sent for any Russians, for if they could not depend upon them; that they would very soon dispatch the Russians, as they would not permit the Russians to domineer over them.

Q. Did any thing more pass? A. Very soon after that, the trumpet sounded when they were going to relieve guard, and the men we were conversing with went away.

Q. Did you meet with an artillery man? A. Yes, Sir, he was dressed in blue, and said he was going to Woolwich, and we got into conversation with him, and asked if the artillery at Woolwich had got any orders for Monday next, and if he had heard of the meeting which was to take place upon the 2nd of December.

Q. What answer did the artillery man give you? A. He said no, they had had no orders.

Q. Did either you or Watson give him any thing? A. I gave him several of the bills of the meeting of Monday, and desired him to distribute them amongst his companions, and soldiers at Woolwich.

Q. Did you and Watson then go to Ware, a person whom you mentioned before, who recommended you to Windemude? A. Yes, Sir.

Q. Whom did you find there? A. A serjeant in the Guards.

Q. When you came to the Canteen, did you give any liquor to the soldiers? A. No, we did not; I was drinking rum and water, and asked a soldier to take some, but he refused it.

Q. Where does Ware live? A. In a street near the Horse-ferry-road, close to Chapel-street.

Q. Did you find at Ware's, any serjeant of the Guards? A. Yes.

Q. Did you and young Watson, and this serjeant and Ware, go to any place? A. We went to a public house close by, and had some ale.

Q. Who paid for it? A. We all paid alike.

Q. Did you converse with him at all? A. We conversed

with him concerning the meeting, but the serjeant seemed to be a man that did not wish to hear it, so that we did not continue to do so, but we left some bills with Ware, and we stuck a large placard in the shop.

Q. Where did Watson and you go then? A. We went to the Ship, in Horse-ferry-road.

Q. Whom did you send for there? A. We sent for Windemude the owner of the waggon.

Q. When Windemude came what did you and young Watson do? A. I agreed with him then for the waggon, and I gave him a one pound note, and he gave me back ten shillings, so that I left ten shillings with him as a deposit: I dont recolect whether I gave it to him or the landlord.

Q. Did you appoint with him when you would come again? A. Yes, I did.

Q. What time? A. I said I should come again upon the Sunday night, and tell him the exact time and place, where the waggon should come to.

Q. After young Watson and you had left Windemude, did you go together to any smith's? A. Yes, Sir.

Q. Where? A. Over the water, to the manufactory of one Mosely, or some such name as that, on the Westminster-road near the Asylum.

Q. Did you go to any Public-house near that manufactory? A. Yes.

Q. Dou you remember the sign? A. No, Sir, but it is public-house, where the men who work at the manufactory come to.

Q. Do you know the name of the man who keeps it? A. No, Sir,

Q. How many working men did you find there? A. There might be eight or ten working men there, but not all belonging to their manufactory.

Q. What passed with those men? A. We distributed bills among them, and desired them to attend the meeting; they subscribed twelve shillings, which was received before that time by young Watson and me.

Q. And you invited them to come to the meeting: did any of them promise to come? A. They did.

Q. Did you after that go to Dean-street No. 1; Watsons lodgings? A. Yes, Sir.

Q. Whom did you see there? A. The two Watsons, Hooper, Preston, and Thistlewood, and myself was present.

Q. All the Committe were there? A. Yes, Sir.

Q. Did you and Hooper report what you had done respecting the waggon? A. Yes.

Q. Was that approved of? A. Very much,

Q. While you were together there did any weaver come to the house? A. Yes, not No. 1, Dean-street, but at No. 9, Greystoke-place, where he came.

Q. Then you did not stay all the afternoon at Dean-street? A. We were just planning to go homewards, but it was while we were there a weaver came and brought some ribbon, which was tri-coloured, red, green, and white.

Q. Who paid for the ribbon? A. The Committee: it came to something about two pounds, at ten-pence per yard.

Q. Had you any of it? A. Yes, I had.

Q. After that did your Committee meet again? A. Yes, Sir; we met next morning at No. 1, Dean-street.

Q. What did you resolve to do then? A. Thistlewood said what were we to do for arms, where should we get pistols? Young Watson undertook that.

Q. Was there any thing wanted besides pistols? A. Pistols and sabres, or short dirks.

Q. What answer was given by either of your party to that? A. Young Watson said, that he would go and purchase some, as he was going down towards the Tower.

Q. Was any money given to him for that purpose? A. Five pound note was given to him.

Q. By whom? A. By Thistlewood.

Q. Was there any directions given him as to the number he was to buy? A. Thistlewood said we shall only want half a dozen pair, that will be a pair for each of us; for if we get the best of it for two hours, we should have arms, and ammunition, and every thing we wanted.

Q. Did you then separate? A. Yes, Sir.

Q. To do what? A. To go out different rounds.

Q. What way were you to go? A. Hooper and myself were to go towards Paddington, amongst the navigators.

Q. What to do with them? A. To invite them to come to the meeting on Monday.

Q. Had you bills with you? A. Yes, we had; and we distributed bills as we went along.

Q. As you were going along Edgeware-road, did you observe any pistols? A. After we were coming from Paddington.

Q. Did you see the navigators? A. Yes, Sir; at the different houses.

Q. What houses did you go to at Paddington? A. To the houses we were at before.

Q. Did you see the navigators there? A. Yes.

Q. What did you do when you saw them? A. We gave

them bills, and gave them instructions to come on Monday ; and come in as great body as they possibly could.

Q. Did they promise to come? A. A great many of them did.

Q. On your return from Edgeware-road, did you observe a pair of pistols? A. Yes, a pair of brass-barrelled pistols, of which I asked the price.

Q. At what shop? A. At the shop of Mr. Flint, who keeps a pawnbroker's shop.

Q. Were they hanging at the outside, or at the window? A. At the outside of the door.

Q. Was any price marked upon them? A. No ; but I asked the price, and he asked me twenty-five shillings for them.

Q. Young Watson was with you? A. No, Hooper was with me at this time.

Q. Did you bid any price to him for them? A. I bid eighteen shillings, which he agreed to take.

Q. Did you leave a deposit? A. I left a deposit of two shillings.

Q. Did you and Hooper return to Dean-street? A. Yes.

Q. Whom did you find there? A. We found Thistlewood, the two Watsons, Preston, and Keens.

Q. Then you and Hooper made all the Committee, and Keens was above the number? A. Yes, and that was the first time that Keens was ever there.

Q. What did you observe laying upon the table? A. Two or three pair of pistols were laying upon the table, I don't know which.

Q. How was young Watson employing himself? A. In making of bullets in a cast which he had purchased for the purpose, the size of the pistols.

Q. Did you inquire the price of these pistols? A. It was not just then mentioned ; he asked me how much I thought he had given for them, and young Watson said he had given twenty eight shillings a pair, but I am not certain.

Q. What did you say to that? A. I replied, and said I thought I had bought a better pair than any of them for eighteen shillings.

Q. What did Thistlewood say upon that? A. He asked me why I did not bring them with me ; I told him I had got no money, but I had left a deposit of two shillings for them.

Q. Did you tell them of any other pistols? A. I told them I had seen another pair which I told them I thought I could purchase much cheaper at Flint's ; Thistlewood gave

me two one pound notes and desired me to go and purchase.

Q. Were any other arms laying upon the table? A. Yes, a short sword and a dirk stick, which I had seen in possession of Dr. Watson before.

Here the dirk stick alluded to, which the witness Meils proved this morning as having been found upon Watson, was shewn to the witness.

Q. Is that the dirk stick which you then saw? A. It was just such a dirk stick as this, but I cannot positively say it was exactly that one.

Q. Was any thing said about any arms to be found any where else? A. Yes, there were swords and some pistols which the elder Watson, and the younger and me, talked of, as having seen at a place called Stacey's, and I was desired to go there and buy them.

Q. Did you do so? A. Yes, Sir.

Q. Did you bring them to Greystoke-place? A. No, I brought them to Dean-street.

Q. How many? A. A long sword and a short one, and one brace of brass barrelled pistols; I gave Stacey a pound note for the two swords, but I did not bring any pistols from him.

Q. Did you afterwards go to Flint's in Edgeware-road? A. Yes, taking the swords with me.

Q. What did you do at Flint's at the Edgeware-road? A. I paid him a crooked half guinea as part, upon which he made a remark; I had then the brass barrelled pistols.

Q. Did you then agree for other pistols? A. I agreed to pay twelve shillings for another pair, one of which was broken in the guard.

Q. Did you pay him the twelve shillings? A. Yes, I left a deposit of two shillings more, and brought away the brass barrelled pistols.

Q. You brought away the brass barrelled ones? A. Yes, and came to Dean-street.

Q. What was done as to the others, for which you had left a deposit? A. Thistlewood gave me another pound note, and desired me to fetch them away next morning.

Q. Was the elder Watson there? A. Yes he was.

Q. Did he tell you the news he had had? A. Yes, he did, he told me that "we had got brave news, my son James has brought word that he can bring 15,000 men himself."

Q. When was this? A. In the evening of Saturday, and that he had also heard that there were 50,000 stand of arms belonging to the East or West India Company.

Q. Upon this did Thistlewood say any thing? A. He said upon this we must alter our plans.

Q. What did he say he should do? A. He proposed that young Watson should go to Wapping and Preston to Spital-fields.

Q. When? A. Upon Monday morning the day of the meeting.

Q. And what should they do? A. And that Preston should meet him, as Preston was well convinced that he should go to Spital-fields, as he was sure he could get as many.

Q. And what did Thistlewood say they should do together? A. That they should go early in the morning, and as soon as they could collect all their confidential men together they should go to different public houses and meet them, and give them a hint that we would make them captains, and give them a hint what was to be done; they were to collect all their confidential men and make them captains, or give them an hint of what was to be done.

Q. Well Sir? A. Young Watson said, "but all the old soldiers want commissions, what are we to do with them?" Thistlewood replied "you must do the best you can with them, as we must all fight, and hard until we get the best of it."

Q. Did Thistlewood tell you where you were to go? A. Yes, Sir.

Q. Where? A. I was to go to London Bridge, where I was to meet the Smiths, as I was acquainted with the best part of them, and that the greatest part of them would come prepared.

Q. (Chief Justice Ellenborough.) You are a Smith? A. Yes my Lord, I am. I was to collect all I could together and go to Tower-hill to meet young Watson.

Q. (Mr. Gurney.) And what were you to do? A. We were to attack the Tower, and to collect all the arms we could, and if we could not be let in by the soldiers through solicitation, we were to take it by storm, but as many of them were in it who had seen us before, we thought we should get in without any difficulty.

Q. What were you to do then? A. We were to offer 100 guineas, or to offer them double pay for life if they joined us.

Q. Was any thing done with the pistols you had? A. Yes, they were loaded.

Q. At that time where were the colours and the cockades? A. They were at that time in Thistlewood's possession.

Q. Where were they brought to? A. To Greystoke-place?

Q. On what day? A. On Sunday I believe: I did not receive them till the Sunday.

Q. Do you remember any thing being done upon that Saturday respecting a piece of callico? A. Yes.

Q. What was that? A. It was got ready, and a frame was got ready for it to be stretched on for an inscription to be wrote upon it.

Q. Who was to write the inscription? A. Doctor Watson the elder.

Q. (By Justice Abbott.) Upon the callico? A. Yes; my Lord.

Q. (By Mr. Gurney.) How was it to be put upon the callico as you understood? A. With a pencil in red letters.

Q. Did he mention to you in presence of the Committee what Inscription he should put upon it? A. Yes, I saw it.

Q. What Inscription was it? *"The brave Soldiers are our Friends, treat them kindly."*

Q. Did he say it would have any effect? A. Yes, he said it would have a great impression upon the minds of the soldiers.

Q. Where did he take it to? A. To No. 1, Dean-street.

Q. You were then at Greystoke-place? A. Yes, and we took that callico to No. 1, Dean-street.

Q. When you went to Greystoke-place did you take any thing with you? A. Yes, I took with me the brass barrelled pistols which I had bought at Flint's.

Q. What did Hooper take with him? A. A brace of pistols which young Watson had purchased, or which I understood he had purchased.

Q. Which had been produced at the meeting as his purchase? A. Yes, Sir.

Q. The next day, Sunday the first of December, did you go to the Pawnbrokers for the other pair of pistols? A. Yes.

Q. And did you get them? A. Yes, and I paid the remaining ten shillings for them and brought them away.

Q. Did you upon that Sunday go to No. 1, Dean-street? A. I did.

Q. Did you take any person with you? A. I did, Sir, one Richard Angel, whom I once lodged with.

Q. Had you employed him to do any thing? A. Yes, to make a staff for the flag, and had given him three shillings.

Q. What did you invite him to go with you for. A. To take a little dinner.

Q. When you arrived at No. 1, Dean-street, did you find young Watson there? A. Yes, I did.

Q. Did you give him the pistols you had brought from Edgeware road? A. Yes, I did.

Q. Did you do it privately? A. Yes, I don't suppose that Angel saw it, and young Watson put them into a cupboard.

Q. What were the party that sat down to dinner? A. Hooper, Preston, the two Watsons, and Angel.

Q. Was Keens there? A. He did not come till it was over, and dined.

Q. While you were at dinner did Thistlewood come? A. Thistlewood was in.

Q. Did he sit down with you? A. No, he did not.

Q. He said that the two Evans's were coming to dine with him at four, and this was one o'clock.

Q. After you had dined were you called out of the room by any person? A. Yes, I was called out by young Watson and Thistlewood.

Q. To what place? A. Into the yard.

Q. At the back of the house? A. Yes, Sir.

Q. What did he then say to you? A. He said, "damn your blood Sir, what have you brought this stranger here for, how do we know but that you have brought him here to betray us?"

(Chief Justice Ellenborough.) Confine yourself now to what is material, as you have already occupied a vast deal of time.

(Mr. Gurney.) Your Lordships will find the materiality of this, when you perceive the act which was done upon it.

Q. After Watson had spoken angrily as to bringing another there, did Thistlewood say any thing to you? A. He desired me to get rid of him as soon as I could, as he would derange all our affairs.

Q. Did you take him away? A. Yes, and then I was to return to No. 9, Greystoke-Place. I took him to a public house, and left him there, and returned in half an hour.

Q. Did you return to Greystoke-Place? A. Yes.

Q. Did you meet the committee there? A. I did.

Q. (By Chief Justice Ellenborough.) All of them? A. No, my Lord; I met the elder Watson, Thistlewood, Keens, and Hooper.

Q. (By Mr. Gurney.) And what passed when you met? A. They gave me a reprimand for bringing a stranger there.

Q. After that, what was done? A. It was pretty nigh four o'clock, and Thistlewood had to go to his dinner.

Q. What was done before you parted? A. The arms

were all produced ; the remainder of the arms and pistols they had there were divided, and likewise the colours and cockades given to me.

Q. Do you mean the flags? A. Yes; the flag and the cockades were given to me; about half a dozen small cockades made of the ribbon, to give any body we thought proper.

Q. Did Thistlewood stay till all the plans were arranged, or did he go away? A. He went to dinner, and returned.

Q. Were all the committee there after he returned? A. Not all the committee: young Watson and Preston were away, but the remainder were there.

Q. Was Keens there? A. Yes, the whole of the time; and one of the pistols, which had a broken guard, which had been brought away on the Sunday morning, was given to Keens.

Q. Now were your plans arranged for the Monday morning? A. Yes, they were.

Q. Was that the plan which had been talked of a day or two before, or a different plan? A. It was the same plan that we talked of the day before; only with the addition of where we were to meet upon the Monday morning, and the road that Thistlewood and Watson were to take, but in a different direction; Thistlewood, and the elder Watson, and Keens: it was agreed that I should go and pay the remainder of the money for the waggon; and therefore Thistlewood gave me two 1*l*. notes, to go and pay the remainder of the money for the waggon. Those persons were to proceed to Spa-fields from the top of Chancery-lane, where the waggon was to be waiting for them; and the colours and the banner were to be put into the waggon, to go to Spa-fields, and Hooper was to have the charge of them.

Q. Who gave you the money to go and pay the remainder of the money for the waggon? A. Thistlewood.

Q. At the same time that he gave you that, did he give you directions; and do you remember what he said as to what you were to do next day? A. I do not at this moment remember, only concerning this, that if he found the spirit of the people were ripe, that he was to jump down and take them away, and act before Hunt came.

Q. (By Chief Justice Ellenborough.) Thistlewood said to whom? A. It was to young Watson, the elder Watson, and Preston, who had speeches prepared before.

Q. In point of fact, they had speeches prepared? A. Yes. And there was one of them that related to the Lord Mayor.

Q. Who were present on the Sunday evening? A. Keens.

Q. Who were present on Sunday evening? **A.** Keena, Thistlewood, the elder Watson, Hooper, and myself; the younger Watson and the others were away to go amongst the different people where they were before, and Thistlewood said, that after some speeches were delivered by the elder Watson from the waggon, he would then jump down and head them before Mr. Hunt came.

Q. Where were you to meet next morning? **A.** At the Black Dog, Drury Lane, kept by one Slaughter, I believe at eight o'clock in the morning, precisely. Hooper, Keena, Thistlewood, the elder Watson, and myself.

Q. Did you go there? **A.** I went to the Ship public-house, and I paid there a small sum in addition to the ten-shillings I had formerly paid for the waggon.

Q. Where did you meet the waggon? **A.** At the top of Chancery Lane.

Q. Did you produce any ribbons at that house that night? **A.** I did.

Q. Did you give any to any person? **A.** I did.

Q. To whom did you give them? **A.** I gave Windemude a bit, and a bit to the servant-maid of the house.

Q. Next morning, the 2d of December, did you go to the Black Dog? **A.** I did.

Q. Whom did you find there. **A.** Thistlewood, the elder Watson, Hooper, and Keena.

Q. Did you enquire of Hooper and the elder Watson where they were to go? **A.** I did.

Q. What was said? **A.** I was asked, why did I ask that question, as I knew before that the one was to go to the Minories, and the other to Spital-Fields.

Q. Were any pistols produced there? **A.** There were.

Q. What was done with them? **A.** They were given to me, and I believe I loaded three.

Q. Did Thistlewood give any directions as to what you should do. **A.** That I should give the colours to Hooper to tie them on the staff, and if any of the civil power enquired what they were, we were immediately to shoot them, as we did not care for the civil power, if we could only keep the soldiers off; if any officers or magistrates were to interfere, we were to shoot them or run them through.

Q. Had you any ammunition? **A.** Yes, Sir.

Justice Bailey.—**Q.** Did he say horse-soldiers? **A.** Horse-soldiers.

Mr. Gurney.—**Q.** Were there a number of slugs, and where were they put? **A.** Yes, there were a number of slugs and bullets put into an old stocking, and tied in an old dirty

white handkerchief, and put in possession of Keens to take to the waggon.

Q. Did you and Hooper proceed to the top of Chancery Lane. A. Yes.

Q. And found the waggon there? A. Yes, and found it there, and Windemude, and his two boys.

Q. After finding it there, did you go to your lodgings for the flag. A. I did, and Hooper went with me.

Q. Did you put it on the staff? A. I tied it on the staff.

Q. And where did you bring it to? A. I deposited it in the waggon myself, and gave it in charge to Hooper.

Q. Was it open or covered? A. It was rolled up, so that no person could perceive what it was.

Q. Did you go for any thing else? A. I went to No. 1, Dean Street, and found Keens wrapping up the banner in a couple of old blankets.

Q. Was the canvas stretched on the frame? A. Yes.

Q. Then you left Keens to go to the waggon? A. Yes, I then left him to take it to the waggon, and saw no more of him.

Q. Where did you go to then? A. I then went to the place where I was ordered, viz. to London Bridge, to meet the smiths.

Q. Did you find any there? A. No, Sir. I found every thing perfectly quiet, and no person that I knew.

Q. Where did you then go? A. I then proceeded down Thames Street, towards Tower Hill.

Q. Did you go to the Tower? A. Yes.

Q. Did you find the gates open or shut? A. I found the gates shut, and an extra sentry on.

Q. Where did you go to next? Did you converse with any soldiers? A. Yes, I went up to a soldier, and asked why the gates were shut up, and he said it was on account of the Meeting.

Q. Did you then go to the Minories? A. Yes, right up to the Minories.

Q. Then where to? A. Towards the Bank, and there I found some difficulty in getting in, as the gates were shut.

Q. Did you go on then to Little Britain, near West Smithfield? A. Yes, I did.

Q. When you came to Little Britain, did you meet any mob? A. When I came there, I heard a great shouting, and saw a great mob, and the first persons I saw was Dr. Watson and Thistlewood.

Q. Did you ask them any questions? A. I asked him where his son James and the rest of them was.

Q. What answer did the elder Watson give you?
A. He said, "To the Tower, first to the Tower, make haste, otherwise we shall be too late."

Q. Did they go on? A. They went on, and in the course of a very little time afterwards I lost sight of them, and saw a great quantity of people running in every direction.

Q. What way did they go? A. Towards Lad Lane, to the 'Change and Tower, towards that direction.

Q. How soon did any other of the party come up to you?
A. I saw Keens in a short time afterward.

Q. I forgot to ask you whether Watson had any thing in his hands when you met him? A. He had his dirk-stick, but it was not drawn.

Q. Did you and Keens go on together? A. We did.

Q. Did you get into Cheapside? A. Yes, we did.

Q. I suppose you conversed with Keens about what had taken place. A. Yes, I did, and Keens told me what had taken place in Spa-fields, and that he had been in the waggon, and that he was afraid he had left the blankets and balls in the waggon.

Q. Did he tell you what had become of their standard?
A. No, he did not.

Q. Did you meet Mr. Hunt going in the direction towards Spa-fields when you came that way? A. Yes, we overtook him going in the direction of Spa-fields.

Q. Was he in a carriage? A. No, he was in a landau?

Q. Did Keen and you stop him and speak to him?
A. I stopped him and asked him why he was so late, and he asked me what was the matter, and I answered, that Dr. Watson had gone to attack the Tower.

Q. What was the hour he was to be there? A. At one o'clock was the hour he was to be there.

Q. Did you go through the city? A. Yes, we went afterwards towards the Tower, and stepped in a gun-smith's shop, and stopt some time.

Q. Did you see young Watson after that? A. Yes, I saw him close by the Bank at the back of the Exchange. I went first as far as the Tower, and then returned back to the 'Change. I was a long way before young Watson, but I returned and met him again by the 'Change.

Q. Was the mob with him? A. Yes.

Q. What had he in his hands? A. A drawn sword.

Q. What was he doing? A. He was encouraging the mob to follow him. A great many were firing in the air: there were about two hundred men and boys.

Q. Did you go up and speak to him? A. I did.

Q. Did he and you then proceed forward? A. Yes, Sir, we did.

Q. Which way did he go? A. He went towards Bishopsgate Street; I went with him; he towards the left, and I to the right. He turned down Bishopsgate Street.

Q. That would lead towards Houndsditch? A. Yes, and I turned to the right with Keens, and went by the India House, and met them at the lower end of Houndsditch.

Q. When they got into the Minories, what did they do, was Watson still at the head of them? A. Yes, and they went to the gun-smith's shop which he and I had looked at before.

Q. Was the shop open or shut? A. It was shut up close, and he rapped very violently and could not gain admittance, and the mob said, there is another gun-smith's shop further down, and he said he knew where there was another, if they would follow him; he went down, and the mob followed.

Q. What was done? A. The shop was broken open.

Q. What was done? A. All the arms were brought out, such as pikes, guns, swords, and pistols.

Q. Whilst this was being done, was young Watson with him? A. Yes, close to the door, encouraging them to take out the arms.

Q. Did you see this Mr. Watson amongst them? A. I did, and Thistlewood and Preston both.

Q. What had the elder Watson in his hand? A. A dirk-stick; the dirk in one hand, and a stick in the other.

Q. What had Thistlewood in his hand? A. A pistol.

Q. Was Preston there also? A. Yes, he was, but I did not know if he had arms in his hand or not.

Q. Was Keens there? A. Yes, he was, there at a distance, and did not seem to take any active part whatever.

Q. Did you see young Watson in the gun-smith's shop? A. Yes, he had a sash, sword, and a belt buckled round him.

Q. Did the mob go down further to any other gun-smith's shop? A. Yes.

Q. Near to Tower Hill? A. Yes, and that was broken open.

Q. What was brought out there? A. Two small brass field-pieces, and a great quantity of guns, swords and pistols, and ammunition.

Chief Justice Ellenborough.—Q. Do you know the name of this gun-smith's shop? A. No, I do not.

Justice Bailey.—How far from Tower Hill? A. Close

by, within a door of it. I believe it is upon the hill; it almost faces Rosemary Lane.

Mr. Gurney.—Q. Now at the time this was going on, at this other gun-smith's shop, was Watson the elder and younger there? A. Yes, and Thistlewood and Preston. I did not see Keens any more at all.

Q. Were there any sailors among the mob? A. Yes, several. I observed one sailor in particular.

Q. Did any persons give any directions to sailors to do any thing? A. Yes, both the elder and the younger Watsons, were to save the ammunition for something better, but not to fire in waste in that way, as they were firing in the air.

Q. Did any of the sailors do any thing as to these field-pieces? A. One of them began sponging one of them.

Q. Did any body say any thing to him? A. No, I cannot say.

Q. Did you then see any person go towards the Tower? A. Yes, I did.

Q. Who? A. Thistlewood and the elder Watson went up as close to the rails almost as they could get.

Q. What did they or either of them appear to you to do? A. They seemed to be addressing themselves to the soldiers without the walls of the Tower, or across the walls of the Tower.

Q. Did you hear what they said? A. No, I was not nigh enough to hear what was said.

Q. Did they then return to the Minories? A. Yes, they turned up the Minories to go to Spa-fields, to get a greater force as the soldiers did not seem to take any notice of them.

Juror.—Q. How near was you to them? A. Probably thirty or forty yards from them.

Mr. Gurney.—Q. You were behind them? A. Yes, Sir.

Juror.—Q. Was there much noise at that time? A. There was great noise and following of the people. I could not distinctly hear what it was.

Mr. Gurney.—Q. Where was the noise? A. It was upon Tower Hill, or close by. I was in the midst of it.

Q. How far were you then from the farthest gun-smith's shop? A. Not above thirty yards.

Q. How was Thistlewood dressed that day? A. He had got a long brown great coat on, and a blue coat under it, white small-clothes, and top-boots.

Q. By a Juror. Did you know Watson and Thistlewood when they were speaking? A. Yes, both,

Q. Both at the same time? A. Yes.

Q. How can you swear that, when you say their backs were towards you? A. I could hear them very plainly. Their backs was not towards me, but like sideways.

Q. Was there any assemblage of people behind them? A. Not at that time; the mob was ten or fifteen yards from any of their persons.

Q. Where they near any persons at all? A. Very few indeed, when they advanced from the mob towards the road.

Q. Did you hear them invite the mob to follow them? A. No, Sir.

Q. Could you see as many as forty or fifty soldiers? A. Yes, in the front.

Q. Mr. Gurney. You were then going up the Minories? A. Yes; and there was some small field-pieces, the wheels of which was broken or came off, which caused a stop when near the top. Watson called upon them to stop, for when near the top 30 or 40 soldiers met them.

Q. What did the mob do then? A. The mob threw down their arms, and run away.

Q. What did you do? A. I walked forward with the soldiers as if I had nothing to do with it, till the soldiers had passed me. I returned back again, and went down towards Tower Hill.

Q. Did you go into any public-house? A. At the corner of Mark-lane I went into a little public-house, and stopt until nearly dark, when I went to No. 1, Dean-street.

Q. At what time did you arrive there? A. At six or half-past six o'clock.

Q. Whom did you find there? A. The two Watsons, Preston, and Thistlewood.

Q. After you arrived there, did you find the elder Watson then doing any thing? A. He had got the dirk-stick in his hand, and he and Thistlewood began to pack up their linen, as if going away.

Q. Did you enquire where they were going to? A. I did.

Q. Who answered? A. Thistlewood; and he said they were going a little way in the country, as he had got a house in the country, and we should hear from him in the course of a day or two.

Q. Did you enquire after any of the party? A. I did.

Q. Of whom? A. I enquired what had become of Hooper.

Q. Of whom did you ask that question? A. Of Thistle-

wood; and he said he (Hooper) was taken with the colors, and that some of us must expect to be taken.

Q. Did Thistlewood say any more? A. He asked me if I had shot my pistols off.

Q. As to going away? A. He said he was going into the country, and we should hear of him at the Red Hart in Shoe-lane, by the name of John Williams. I asked him if young Watson had shot any body, and he said they did not know.

Q. Was any thing said about the Tower? A. He said, he was perfectly well satisfied that the people were not ripe enough to act.

Q. What more? A. Nothing particular that I recollect at the present moment. We parted a little after, he and the two Watsons went away together.

Q. What was said about the Tower? A. Nothing that I recollect.

Q. At about what time was that? A. At about seven or half-past six, I cannot say which, but I stopt at the public-house until near dark.

Q. What was done with the things which remained, besides those that Watson took away? A. Preston's daughter was to fetch them away, and to take them to No. 9, Grey-ske-place, the key of No. 1, Dean-street, was left with Preston.

Mr. Gurney.—That is all I have to ask this witness.

C. J. Ellenborough.—Perhaps it may be inconvenient to you, Mr. Wetherell, to go on with your cross-examination now.

Mr. Wetherell.—It would no doubt run out to considerable length, but as this witness is described as coming out of custody, it may be perhaps proper that I should request he should have no access to any one, except his jailor and his guide. I trust that it will be deemed a proper request for me to make upon such an occasion, and also that he should not see a note of any thing which has passed upon this trial; and that no written paper should be shown to him. I trust your Lordships will think I do not make an improper or unreasonable request.

C. J. Ellenborough.—I wish you to have the same opportunity of commencing his cross-examination to-morrow, and under the same circumstances as you would have to-day, but as that application which you now make is not in conformity to any rule, but it is unusual; I therefore would wish you to address the Attorney-General upon it instead of us, in order that it may not be established as a precedent. I hope you will think that the proposal we were about to make of ad-

journing the proceedings for to-morrow, was made only with a view to your accommodation.

Mr. Wetherell.—Now I will take the liberty of putting my question to the Attorney-General.

Attorney-General.—It will be precisely the same to me whether he proceed now or to-morrow morning; but I should submit that if he begin the cross-examination to-day, he must finish it to-day, and not continue it to-morrow, and therefore he should begin to-morrow morning; as to the other proposal, I shall only say, that as far as possible, it can be in my power, I shall undertake that there shall be no communication with this witness, who is a prisoner, either by written paper or notes. I believe that will be obeyed, and that it shall be done most certainly; most peremptory directions shall be given for that purpose.

C. J. Ellenborough.—I rather think that if you (Mr. Wetherell,) begin your cross-examination, you should finish it.

Mr. Wetherell.—As your Lordships have laid down an accustomed period to adjourn, and if my cross-examination of this witness should go beyond the usual period, I should submit that it should not be stopped, as the Counsel on the other side have gone into an examination of eight or nine hours in length of this witness, I should not be confined as to time on his cross-examination.

C. J. Ellenborough.—I should rather think circumstanced as we are, at this time of day, if you begin, you should go on.

Mr. Wetherell.—Then, my Lords, that perhaps might occupy the whole of the night.

C. J. Ellenborough.—Their bodily strength will not admit of it?

Mr. Wetherell.—I should be glad if the Court would sit a quarter of an hour or twenty minutes longer, in order that I may put a few questions to this witness.

C. J. Ellenborough.—Both as to yourself and the person under examination, some consideration is necessary, as you must be under the same state of bodily fatigue; you are a master of our time, Mr. Wetherell, and you can do in that as you please.

Mr. Wetherell.—After the fatigue the Jury have undergone, that consideration should operate upon us as well as upon your Lordships; probably the Jury may wish to put some questions; under all the circumstances of the case, I think it best to accede to what is proposed, and begin the cross-examination to-morrow.

Attorney-General.—I assure you that the most positive

directions shall be given that no human being shall have any communications with the witness.

C. J. Ellenborough.—I am sure it was an unusual request, and that it is better that the application was made to you (Attorney-General,) than to make it a Rule of Court.

The Court then adjourned at ten minutes past six o'clock till to-morrow morning.

IN THE KING'S BENCH.

THURSDAY, 12TH JUNE, 1817.

FOURTH DAY.

JOHN CASTLE *sworn, (cross-examined by Mr. Wetherell.)*

Q. Are you the John Castle lately abiding in the house of Richard Angel, of Prince's Row, Newport Market, in the County of Middlesex, now abiding in Tothill-Fields Prison?

A. Yes, Sir.

Q. Since you were yesterday examined in Court, have you conversed with any person, and whom, upon any question put to you in this Court yesterday? A. No, I have not.

Q. Have you read or seen any paper, written or printed, relating to the subjects that passed in this Court yesterday?

A. I have not.

Q. You are described to be a prisoner in Tothill-Fields, Bridewell, how long have you been prisoner in that custody?

A. Since the 9th of February.

Q. Upon what charge are you committed there? A. Upon a charge of high treason.

Q. Upon the same high treason as the prisoner Watson is tried for? A. It was, Sir.

Q. Do you recollect the precise day of your commitment? A. It was Sunday the 9th of February, to the best of my recollection, I think it was.

Q. Had you been in any other custody prior to your commitment to Tothill-Fields, Bridewell? A. Not upon this charge.

Q. When were you first arrested upon this charge? A. Upon Sunday morning the 9th of February.

Q. Have you had a promise of pardon, in consideration of your giving evidence against the prisoner Watson? A. I never wanted any pardon; I never committed any thing that wanted a pardon.

Q. That is not an answer to my question; have you had a promise made to you, whether you want it or not? A. I wanted no pardon: I have had the question asked if I have ever committed any thing.

Q. That is not an answer to my question. Have you had a promise made? A. No, I have not by any one.

Q. Explain what you mean? A. I never committed any thing that wanted a pardon. I never committed any thing but what all the country knows of, and I will give you an answer if you would permit me to answer, and correct myself.

Q. What do you mean by saying that you wanted no pardon upon the question I put to you? Explain to the Jury what you meant by saying, that you did not want a pardon, with reference to the matter in question? A. I was not referring to the present question of high treason; I was referring to other things, which you are, I dare say, in possession of? A. I will be able to answer any question you will put to me; I did not know that the charge of high treason was withdrawn, till such time as my evidence was made to their Lordships, the moment I was brought to the Secretary of State's office, I communicated every thing to their Lordships.

Q. Do you mean to say that previous to that, that no promise of pardon was ever offered to you? A. No, Sir.

Q. Neither directly nor indirectly? A. No, Sir.

Q. Do you mean that you would communicate every thing without any offer being made of being pardoned? A. Yes, I do, there was never any offer of the kind made or promised to me.

Q. Do you mean to say that the subject of pardon has not been mentioned, nor has been offered to you in any way? A. It has since; Mr. Nodder, since I have been in custody, was the first that communicated to me that the charge of high treason was withdrawn, and I had no communication with any person besides.

Q. If it was withdrawn, why were you not released out of custody? A. That I do not know.

Q. So that you did not apply to be released out of custody? A. I did not.

Q. Why are you kept in custody, and why do you come out of custody? A. It is not in my power to explain; I never asked the question.

Q. Have you been since your committal to Tothill-Fields Bridewell in close custody, or been out in the care of any officer? A. I have been out with an officer.

Q. When walking about with this officer, did you chance to call upon any persons that were examined upon this trial? A. I do not know who has been examined.

Q. Do you know Bentley? A. Yes, Sir.

Q. Have you been at that person's house since that time?

A. No, I have not been at his house; I have seen him, but I have not talked to him; I chanced to see him when I went to the Grand Jury room by accident.

Q. What Grand Jury room? A. Round here in this neighbourhood where they sit.

Q. Did you speak to him? A. No, Sir.

Q. Where did you go to with the officer?

A. To the different public houses, the account of which I have given.

Q. For instance, the one near Drury-lane? A. Yes, Sir.

Q. To Greyfstone-place? A. No.

Q. Did you go to Redfsdale's, or Randall's? A. Yes, Sir.

Q. Which you did not find out? A. But we did.

Q. Did you go to the public-houses at Paddington? A. Yes, to two.

Q. Did you go to the Canteen, as you called it, at the Horse Guards? A. No, Sir.

Q. Did you happen to meet with Crisp? A. Yes, Sir.

Q. I mean not the man who has been examined here, but his brother? A. Yes, Sir.

Q. Had you any conversation with him as to the situation you are in? A. None at all.

Q. By Judge Bailey.—What is his Christian name? A. George Crisp; I met him by accident.

Q. By Mr. Wetherell.—Did you tell him the situation you are in? A. No, I did not.

Q. Did he see you with the officer? A. Yes, Sir.

Q. Did he know the circumstances of the situation you were in, and that you were in custody? A. No, he did not know that he was an officer who was with me; I do not know that he did, he did not take any notice.

Q. Upon your oath did he not notice it? A. No, he did

Q. Did you tell Crisp, that if he went to Bow-street it might be convenient?

A. No, I told him that I wanted to see his brother; but

if he went to Bow-street, and inquired for Mr. Stafford, he would inform him of the petition which he (the brother) wrote, employed by me and Watson.

Q. Did you desire George Crisp to communicate this to John Crisp? A. I did, and to endeavour to find him.

Q. Is Mr. Stafford the gentleman who is the head-clerk or officer in the Police Office? A. Yes, he is.

Q. Had any one desired you to send Mr. Crisp to Mr. Stafford. A. No, Sir, no body desired me; I sent him upon my own account.

Q. Did you desire George Crisp to tell his brother that it might be to his advantage to go to Bow-street. I dare say I did.

Q. Have you any doubt of it? A. No, Sir, I have not; I asked him if his brother had got employ, and said if he called on Mr. Stafford, at Bow-street, it would be to his advantage.

Q. How could Stafford assist him if he was in employ? Did you not tell him to go to that place that he might get employment. A. No, I did not; I asked him, if his brother was in employ; and if he went to Mr. Stafford it might be to his advantage.

Q. You desired the brother to tell the witness John, that it might be to his advantage. A. Yes, I did.

Q. Did you not desire the brother to tell Mr. John Crisp, that you had derived some advantage? A. No, I did not; no such conversation took place; no such intimation was made of the fort.

Q. Did you not tell him that you had been better off since the Spa Fields transaction took place? A. No, Sir, nothing of the fort.

Q. Only that it might be to his advantage? A. Yes, I did.

Q. What other public houses have you been to, besides those at Paddington? A. To the public-house at Long-Acre.

Q. Is that one of those you have mentioned here? A. Yes, Sir.

Q. Have you been down to the Tower since? A. Yes, Sir.

Q. What led you there? A. To find out the person we were treating, and shewing the cockades to.

Q. Did you find them out? A. We found them both out.

Q. Did you find the man who keeps the house? A. Yes, he keeps the sign of the Pumpkin.

Q. You endeavoured to find out the men you gave the

cockades to? A. No, I did not mean to say so; I mean the man who keeps the tap, called the Stone Kitchen, where we shewed the cockades to the soldiers.

Q. Having gone then to find this man, did you find him? A. Yes, we did.

Q. What is his name? A. I do not know it; but we found him out by the information we had.

Q. By Judge Abbott.—You ultimately did find him, and see him? A. Yes, my Lord.

Q. By Mr. Wetherell.—Who did you ask for? A. For the one who keeps the sign of the Pumpkin, close to Brick-lane.

Q. Have you no recollection of his name? A. No, I cannot recollect it.

Q. Look at this paper, and see if you can find it (shewing a paper). A. I cannot find it.

Q. He keeps the Pumpkin by Brick-lane? A. Somewhere thereabouts.

Q. Who walked round with you? A. Mr. Stafford and one Salmon.

Q. There were two? A. Yes, there was one William Salmon besides.

Q. When you met Crisp was Stafford with you then? A. No, he was not.

Q. Had you not stated when you went down, to endeavour to find the man at this Pumpkin house that you had delivered cockades at that house? A. We had only shewn them at that house?

Q. Then you had stated to Stafford, that you had shewn cockades at that house? A. Yes, I had.

Q. And when you went down to the house, you could not find where it was? A. Yes, we went directly to the Stone Kitchen, where we had shewn them.

Q. But when you came there, you could not find any one that you recollected you had shewn them to? A. They had removed, and another regiment had come in.

Q. Did you follow the landlord to another house? A. Yes, he had removed to the Pumpkin.

Q. Did you find him at the Pumpkin? A. Yes.

Q. What did you say to him, or he to you? A. He said he did not recollect any thing of the kind.

Q. Then you stated to Stafford that you had shewn cockades to him? A. No, I said we had shewn cockades in the tap.

Q. And when you came to this man, he said he did not recollect any thing about it? A. To be sure he did.

Q. Did you make any enquiries as to any other persons?
A. Yes.

Q. Of whom? A. To a woman of the name of Old Mary, and a boy that waited there.

Q. What other public-house did you go to after this? A. We went to the Black Lion, Vinegar Yard.

Q. Whom did you see there? A. The landlady and a boy.

Q. What is his name? A. I do not know.

Q. Your memory was very good yesterday: you remembered Mondays, Wednesdays, and Thursdays, and your memory seemed as good as an almanack; but to-day you do not recollect any thing? A. I do not recollect her name.

Q. What did you say to her? A. I asked her if she remembered our having cockades. Her name I do not know.

Q. Do you know her Christian name in this list? (shewing the printed list of witnesses.) A. No.

Q. Had you never seen this list before? A. Never before.

Q. What did you ask her? A. I asked if she recollected our treating some soldiers with beer, and sticking up the bills in the tap-room.

Q. What said she? A. That she did recollect something of the kind, but she would call her boy, who waited in the tap-room, who always served the beer there.

Q. And what said she then? A. That he could recollect it.

Q. What public-house did you next go to? A. To one Newton's, in Long Acre.

Q. What did you state to Newton? A. We asked him if he knew me, and he said he knew me perfectly well.

Q. Where did you go to next from Newton's? A. From there I believe over the water.

Q. Where to? A. To a person in the New Cut, where we had gone to hire the mountebank stage.

Q. Without going through this at large, did you go two or three days with Stafford, or any other officer, to the witnesses who have been examined upon this trial. No answer.

J. Abbott.—He has already told you that he did not know who were the witnesses upon this trial.

Mr. Wetberell.—I beg pardon for putting it in that shape.

Q. Did you go with Stafford and another officer to collect the evidence for this trial? A. No, I did not know for what purpose he was taking me round.

Q. Do you mean to say that he did not take you round to

make enquiries as to this? A. He never communicated to me the purpose.

Q. Do you mean to say that you did not know you were going to get evidence to be laid before the Court? A. As to the names that I laid before Stafford, and the places, he asked me if that was the house, and if those were the people, but he made no communication as to that.

Q. And you could not exercise a shrewd guess upon that? A. That rested with myself.

Q. You had no notion of it? A. My intellects are not so weak.

Q. Upon your oath did you not know the purpose for which you were taken round by Stafford? A. I had no communication of the kind made to me. I beg pardon, any question put to me I'll answer to the satisfaction of the Court and of the Jury.

Q. Do you not believe, that when you was taken round by Stafford and others, that you were taken round to get evidence as to this trial? A. I had no communication of the kind made to me,

Q. Did you not believe it? A. I did believe it of course.

Q. You are described to be a whitesmith? A. I was.

Q. How long have you left off the trade of a smith? A. I cannot exactly tell you for a year or two.

Q. What was the last piece of work you did, with the exception of the pike head you allude to? A. I have not worked at my business for twelve or fourteen years as a smith. I had some jobs for myself, but not to work for others.

Q. What smiths have you done work for, or for yourself, or for any body within this fourteen years? A. I have been in business at Harwich.

Q. Of iron work? A. I have done but two or three little jobs for myself.

Q. What were they? A. Repairing a lock or so for my own use.

Q. With the exception of these two or three little jobs for yourself, you have done no job, but to make the pike-head you have spoken of? A. I did not make it.

Q. You have alluded to Harwich; I believe you have left Harwich some time? A. Yes, I have.

Q. What way of business were you in before your connexion began with Thistlewood, Watson, and the other prisoners? A. In the figure making way.

Q. What do you call that? A. Such as figures for children, or such as paper dolls, which I took up of myself.

Q. Where did you live? A. At No. 5, Newton-street.

Q. Did you not state of some of the prisoners, that you were in great distress when your acquaintance began with them? A. Yes, I did.

Q. Were you in great distress? A. Yes, I was.

Q. Were you ever in commitment before this time? A. Never.

Q. Upon no charge whatever? A. Committed, do you mean.

Q. I mean committed? A. Yes, I was.

Q. Were you ever at Guildford, in the county of Surrey?

A. Yes, I have been there.

Q. How many times have you been in commitment or in custody before? A. Once at Abergavenny.

Q. Where the other time? A. At Guildford.

Q. Now we will take the home circuit first, and then go upon the Welch circuit? A. Very well, Sir, as you please.

Q. What were you committed for when you went to Guildford? A. I dare say you are acquainted with it.

Q. But I want to hear it from you? A. For putting off bad notes.

Q. Is that called forgery? A. No, Sir.

Q. Uttering forged notes is it called? A. Yes, Sir.

Q. You told me first that you never were in commitment; when you gave me that answer, did you not recollect that? A. I thought you meant trial.

Q. Then you made a distinction between commitment and trial? A. I did.

Q. You were not tried at Guildford? A. I was not.

Q. How happened it you were not tried. A. I was permitted as evidence.

Q. The same accident happened at Guildford as upon this occasion? A. Yes, it did.

Q. Namely, that you were committed upon a charge, and afterwards became a witness against the persons committed upon the same charge? A. Be kind enough to repeat that question, if you please; I do not understand you.

Q. Did the same accident happen at Guildford as has happened here; namely, that you became upon that occasion as you are at present, a witness against persons committed upon the same charge as yourself? A. Yes, it did.

Q. What became of the man against whom you was a witness? (the learned counsel most emphatically and forcibly changing the tone of his voice.) A. He suffered the laws of his country.

Q. Did he die upon the scaffold as a victim? (put in the same strain.) A. I was informed he did.

Q. Have you a doubt that he did? A. No, I have not.

Q. When was this transaction? A. About three or four years ago.

Q. What was the name of this unfortunate man? A. Dickens.

Q. At whose suit were you committed? A. At the suit of the Bank of England.

Q. Did you make any and what bargain with the Bank of England, before you were permitted as a witness? A. No, I did not.

Q. Had you no promise of pardon there for being a witness against the man that was hung? A. None whatever.

Q. What was your expectation? A. As soon as we were examined, I told them I had been innocently dragged into it, and I would communicate the whole circumstances of it.

Q. Were you innocently dragged into it? A. Yes, I was.

Q. What age are you? A. Between 28 and 29?

Q. Do you know a person of the name of Greenaway?

A. Yes, I did know a person of the name of Greenaway.

Q. (By Judge Bayley.) Give me the date of this transaction? A. About 3 or 4 years ago.

Q. (By Mr. Wetherell.) Now, I come to another transaction about 3 or 4 years ago, about Greenaway; were you a witness against Greenaway? A. Yes, I was.

Q. What was the charge? A. He was with me when I was apprehended.

Q. He was taken when he was with you. A. Yes, Sir, he was.

Q. Was he more fortunate than you upon that occasion? A. I don't know what you mean by fortunate.

Q. Did he suffer under the sentence of the law? A. He pleaded guilty, and was transported.

Q. You was the only one that escaped? There were three, were there not? A. Yes, Sir.

Q. One suffered the sentence of the law, one was transported, and a third is in this court? (meaning the witness himself.) A. Yes, Sir.

Q. Whom did you work for last? For one Mrs. Angel, at Doncaster.

Q. How long ago? A. Fourteen or fifteen years ago.

Q. Before that time where did you work? A. Where I was apprentice.

Q. How old were you then? A. From 12 to 14. I was brought up with them from a child.

Q. Will you say that you are only 24 years old? A. I did not say that: I said I was 28 or 29.

Q. Can you speak to within two or three years? A. Yes, I can.

Q. Will you say, that you are not 33? A. No, Sir, I am not.

Q. Are you 30? A. I don't know.

Q. Where was your place of birth? A. South Gilby, in Yorkshire.

Q. To 12 or 14 years you worked where you was an apprentice, and you wont swear to your age to within two or three years? A. I wont.

Q. I must take the liberty of requesting your attention to one of the Welsh circuits: you were committed at Abergavenny, you say? A. Yes, Sir.

Q. Upon what charge? A. The taking of French prisoners.

Q. Do you mean taking or taking away? A. Taking away: I mean preventing the escape. I'll satisfy you upon that point.

Q. Who was the good honest Welch parson that committed you? A. I don't know.

Q. Do you recollect his saying, that if the same thing had been done by the commissioners of transports, he would have done the same thing he did upon that occasion? A. He did.

Q. Now you may give any explanation you may deem meet? A. I became acquainted with one Walker, a prisoner, who gave me two letters to take out from Tothil-field's Bridewell, and there were two French soldiers that were wrote for to be sent to Bonaparte. As soon as I got those letters, I went to communicate them to Deacons, the Bow-street officer. I got these letters from one Walker: they were directed over the other side of the water to Bonaparte. As soon as I got possession of these letters, I saw two of the officers of Bow-street, and we went down to the transport board, when we were introduced to one Sugden; there were two police-officers, one called Deacons, and the other I don't know his name: I gave him these two letters, and then afterwards he gave two written papers to one William Salmon, of Bow-street; and Deacons was sent down with me to Abergavenny, to bring one Col. Privetti to London. It so happened, that Col. Privetti would not come away till the beginning of the month following. We immediately

returned to London, and communicated this to Sugden; and I was sent back again the same evening by myself by the Bristol mail, for to bring Col. Privetti from Abergavenny to London, and which Sugden gave me an order, that if I should be stopt on the road, I should produce it.

Q. (By Chief Justice Ellenborough.) What occasioned your being committed? (No answer:)

Q. (By Mr. Wetherell.) Tell us what it is? A. I was committed for taking Col. Privetti away on his parole of honour: he and I came away together, and then I was apprehended.

Q. Did you get a cart from Bristol? A. Yes, I did by the desire of Col. Privetti, and a man to go with me to drive it.

Q. Where were you stopped? A. About seven or eight miles from Abergavenny.

Q. What was the name of the person who committed you? A. I don't recollect, but I know he was a clergyman.

Q. Had you been told that this Col. Privetti was a man of eminence in Bonaparte's army as an artillery officer? A. Yes, I had.

Q. You did not succeed the first time you tried it? A. No, Col. Privetti would not come away.

Q. The second time he did? A. By his own desire, he gave me a letter of directions to go and get a cart, which I and Dickens gave to Sugden, and I brought it to London.

Q. (By Chief Justice Ellenborough.) Did you produce to the magistrates Sugden's letter? A. I did, my Lord, and went to a man of the name of Jones, who was the conductor and had the charge of the French prisoners there, and he identified it as Col. Privetti's hand-writing; still the magistrate committed me for not sending this person a regular order of notice to come away.

Q. (By Mr. Wetherell.) So you got the man in the cart, and then you were committed as you had not a regular order to get him away. A. Yes, a regular order to bring him to London.

Q. What was the sum sent? A. No particular sum.

Q. Who made the offer? A. One Warner, who was confined in Tothil-field's Bridewell, for taking a prisoner himself.

Q. Who gave you the name of this man Warner? A. I went to see Robert Kennett there.

Q. Has he not been hanged? A. Yes, he has.

Q. I understand that Kennett, your friend, had been

hanged? A. Yes, Sir, but he was no particular friend of mine.

Q. You went to visit Kennett, who was then under condemnation? A. He was then upon his examination.

Q. How came Kennett to refer you to Warner? A. They were both there at one time together.

Q. Had you known Kennett before? A. I had known him two or three years before.

Q. Kennett led you to this as a good job? A. No, Sir; I was only asked as a favour to take these two letters out that were to go over to France for Warner.

Q. What became of Warner? A. I do not know; he is now, I believe, in Kent.

Q. Has he disappeared? A. I don't know; I have not seen him for several years.

Q. So he gave you an introduction to Warner? A. He only desired me to take the letters to his sister, and that led to the plan upon which I was since taken.

Q. You have said that a person of the name of Dickens was your companion into Wales? A. Yes.

Q. Is this Mr. Dickens the man who was examined some time ago at the Old Bailey, upon those conspiracies that made such a noise lately? A. I don't know.

Q. The associate of one of the name of Vaughan? A. I don't know.

Q. Don't you know that Dickens was the associate of Vaughan? A. I had no communication with him since: I don't know that it is the same man.

(Chief-Justice Ellenborough.) How can we have any thing to do with this?

(Mr. Wetherell.) My only wish is to show, that this man's associates were of the basest of mankind.

(Justice Abbot.) Every person who comes to be a witness is entitled to the protection of the Court: I recollect, upon Hardy's trial, the Court interposed when the counsel were putting such questions. I remember that Mr. Erskine, who was counsel, was informed that such witnesses were entitled to protection.

Justice Bayley.—You have not ascertained that Dickens was concerned in any transaction at the Old Bailey.

Mr. Wetherell.—Q. Do you know that Dickens was the associate of Vaughan? (No answer.)

Chief Justice Ellenborough.—Q. What have we to do with this?

Mr. Wetherell was still persisting in putting the question in another shape.

Mr. Gurney.—After what the court have said, I submit that this line of examination should not be persisted in.

Mr. Wetherell.—I'll not be put down by you.

Chief-Justice Ellenborough.—The court are of opinion, that the question ought not to be put.

Mr. Wetherell.—Very well, my Lord, I will not persevere in putting it.

Q. (By Mr. Wetherell.) Now you have stated to me, that you and Mr. Watson had a private conversation, which I think you say was at your lodgings? A. Yes, it was.

Q. And I think you said that you desired your wife to go out of the room. A. Yes, Sir, I desired the person who was in to go out.

Q. Your children? A. No.

Q. Have you any children? A. None at all.

Mr. Wetherell.—The fact was, that he was a married man, and that he desired his wife to go out of the room.

Chief-justice Ellenborough.—He too, if I recollect right, treated her as his wife.

Q. Did you not state that you was a married man, and desired your wife to go out of the room? A. Yes, I desired the person to go out of the room.

Chief-justice Ellenborough.—I don't recollect that he said he was a married man, but the words imported it.

Mr. Justice Bayley and Mr. Justice Abbott, upon reference to their notes, both concurred in the witness having stated, "I saw him, and desired my wife to go out."

Q. What age is your wife? A. I don't exactly know her age.

Q. Have you no children living? A. No, Sir, I have not.

Q. Have you had children? A. Yes.

Q. How many have you had? A. Three or four.

Q. You seem not to recollect? A. I have had four; three and one miscarriage.

Q. Where is your wife? A. In the country.

Q. Where? A. In Yorkshire.

Q. Don't you know her age? A. No, I don't.

Q. Not although you have had four children by her? A. No.

Q. Are you certain your children are all dead? A. Yes.

Q. When did they die? A. About three or four years ago.

Q. How old would the eldest have been if he were now living? A. About ten years old.

Q. Is the mother of those children dead or living? A. She is living.

Q. And she is your wife? A. I don't know whether she is my wife or not : we have lived together as man and wife.

Q. Were you married to her in church then? A. Yes, Sir.

Q. Where? A. At Dover-court.

Q. That is near Harwich? A. Yes.

Q. Two or three miles from Harwich? A. Yes.

Q. How long ago? A. Three or four years ago.

Q. Was her name Prickett? A. Yes.

Q. Were you married at Dover-court church? A. Yes.

Q. Castle, if you were married to her at Dover-court church, what did you mean by telling the Jury that you lived with her, or that you called her your wife? A. I had no particular reason.

Q. Did you mean to say that she was not your wife? A. I did not.

Q. What did you mean by saying that she was a person you lived with? A. I have lived with another person.

Q. What is that person's name? A. Her name is Thoms.

Q. Was the person that was in the room this Mrs. Thoms, or your real wife? A. My real wife.

Q. Whose name was originally Prickett? A. Yes, Sir.

Q. You say that you lived with another person of the name of Thoms? A. Yes, Sir.

Q. Where is she? A. She is dead.

Q. Is there no other person besides those you have since cohabited with as your wife? A. Yes, there is.

Q. Were you ever married before you married this one of the name of Prickett? A. No, I never was.

Q. Have you ever made any proposals of marriage to another? (No answer.)

Chief-Justice Ellenborough.—You must leave it to the person's own discretion.

Q. What became of Thoms? A. She is dead.

Q. Your business at one time was selling childrens' figures? A. Yes, Sir.

Q. Did you ever live at a place called Mother Thoms? A. Yes, Sir.

Q. Where is that? A. In King-street, Soho.

Q. What is she? A. She was a person who kept a lodging-house.

Q. What No. of the street is it? A. No. 32, King-street, Soho.

Q. You call it a lodging-house? A. Yes.

Q. Is it for male or female lodgers? A. Female.

Q. Are the lodgings let out for half an hour or an hour?

A. For a week.

Q. For a shorter time than a week? A. No.

Q. Occasionally for five or six minutes? A. No, Sir.

Q. Do you mean to say that it is not a house of ill fame?

A. No, Sir; I don't know whether ladies make it of ill fame or not, but it is never let out for half an hour.

Q. Do ladies live in the house? A. They do.

Q. What is this house called Mother Thoms for? Is it a place of prostitution, or a house of ill fame? A. No, Sir.

Q. What are young women kept there for? A. I don't know.

Q. Was you a partner in the firm when so let out for the week? A. No, Sir.

Q. In what character were you there? Is there not such a character as that of a protector at these houses? A. I lived with her as her husband.

Q. Is there not in these houses a good stout fellow called a bully or protector? A. Not that I know of.

Q. Then did you live in that character, as a bully or protector there? A. No, Sir.

Q. But you lived with Mrs. Thoms? A. Yes, Sir; she let her lodgings at so much a week.

Q. How many young unfortunate women were there? Were there eight or ten? A. No, there were only three rooms, and she let them out to separate women. There were three different floors, and each had a floor.

Q. Then it was not a receptacle for promiscuous company? A. No.

Q. Any back door for chance customers? A. Nothing of the kind.

Q. Do you mean to say that these rooms were not let out for their gallants? A. I don't know.

Q. Do you know when people visited there? A. I never took particular notice; there was free access the whole day through; I never used to interfere at all when they paid their lodgings.

Q. And you never noticed whether the visitors were male or female? A. I never used to interfere; I had nothing to do with it; I neither paid nor received.

Q. And you don't say that it was let out for prostitution? A. No.

Q. Nor believe it? A. I believe it.

Q. Whose name was upon the door? A. My name was upon the door.

Q. What! your name was upon the door? A. Yes, Sir.

Q. And you had no share of the rent, or any thing of the kind? *A.* No, Sir.

Q. Who received the rent? She always received it herself.

Q. Mrs. Thoms? *A.* Yes, Sir.

Q. When did you take the brass-plate off the door? *A.* It is not taken off now.

Q. How many years has it been upon the door? *A.* A year and a half.

Q. Is it there now? *A.* It is there covered, it has got a plate over it.

Q. Is there the name of Thoms upon the door as well as yours? *A.* It is "Castle."

Q. It is legible? *A.* No, Sir; I have not been there for eight or nine months; I cannot say whether it be taken off or not.

Q. Where is Mrs. Thoms? Does she keep up the firm still? *A.* She is dead.

Q. You have not exactly told us where your wife is? *A.* I don't know where she is.

Q. Don't you know where she is when you sent to her two letters? *A.* I sent her to the country.

Q. Where? *A.* To Yorkshire.

Q. What for? *A.* To see my friends.

Q. Do you know any young woman, a daughter of a baker at Brighton? *A.* I do.

Q. What is her name? *A.* Streater.

Q. What age is she? *A.* I don't know.

Q. About seventeen? *A.* I believe so.

Q. Is she more than seventeen? *A.* I don't know.

Q. Have you been at Brighton before this confinement here? *A.* I have been twice at Brighton.

Q. Her age is about seventeen you say? *A.* I say I don't know her age.

Q. You don't know it? *A.* No, I don't know it.

Q. Now, having gone through these particular topics, we come to more general topics of domestic history: you have told us that upon the 2d of December, you proceeded to London-bridge? *A.* I did, Sir.

Q. I think you said between eight and nine in the morning? *A.* No, Sir, I did not say any thing of the kind.

Q. What did you say? *A.* That I proceeded between eight and nine in the morning to the Black Dog, Drury-lane, and thence to meet the waggon at the top of Chancery-lane.

Q. What o'clock was that? *A.* Between nine and ten.

Q. Did you load the ammunition upon the waggon, at

the top of Chancery-lane? *A.* No, I did not; I put in the colours, and the flag that was tied upon the staff.

Q. Who put in the one pound of powder in the waggon?

A. That I don't know; it was taken away by John Keens from the Black Dog.

Q. Is he a tailor? *A.* Yes, Sir.

Q. Is he one of the generals in this business? *A.* No, Sir, he was not chosen as a general.

Q. Did you call him Snip Keens? *A.* No.

Q. No nickname? *A.* No, Sir.

Q. Did he bring the ammunition? *A.* I did not know, but he took it away from the Black Dog.

Q. What quantity of powder was there. *A.* Half a cannister-full of powder, and fifty or sixty balls, in an old stocking, and a regular cannister of powder.

Q. Containing half a pound of powder? *A.* I don't know how much the cannister holds.

Q. Was it Dartford powder? *A.* It was regular cannister powder.

Q. Sportman's powder? *A.* I don't know.

Q. Half of it was full? *A.* I don't know.

Q. Where was it bought? *A.* I don't know.

Q. Did you help to put the powder and balls into the stocking? *A.* I tied them up in a dirty white handkerchief, the balls were put in a stocking foot.

Q. You put them up yourself? *A.* Yes, Sir.

Q. Where there any more put into the waggon, more prepared? *A.* No, I don't know: there were some small cartridges with slugs.

Q. Half of this cannister full of powder and sixty bullets? *A.* I dare say: I did not tell them particularly.

Q. You made them up to be put into the waggon? *A.* Keens was desired to take them, and to put them into the waggon, but I did not see them put into the waggon.

Q. You personally took nothing but the colours? *A.* I did not.

Q. After this, how soon did you go to the Tower? *A.* It might be, as near as I can guess, about half past eleven o'clock.

Q. Was you at the Tower earlier than that? *A.* No, I was not.

Q. I understood you to say yesterday, that you had been told by one of the centries at the Tower that it was shut? *A.* No, I did not say so; I said, that at half past eleven I proceeded to the Tower and he said there was no admittance.

Q. Did you go to Spa-fields yourself when you had put the colours into the waggon? *A.* No, I went to No. 1, Dean-street.

Q. What did you do at No. 1, Dean-street? *A.* To assist in putting up the banner, and then I went to London-bridge; to find the smiths.

Q. And when you had been there, there were none? *A.* Not a soul.

Q. What smiths were you to meet at London-bridge? *A.* The smiths from the Bouverie factory.

Q. You don't seem to know the name of those smiths? *A.* No.

Q. You said you did know the name of the factory when you was sent down to get the smiths? *A.* I did not say so, I was sent down to meet them, but I did not know their names or what number there was.

Q. Then that amounts to nothing at all, there were no smiths to meet? *A.* I was not there early enough to meet them.

Q. You did not see one of them? *A.* No, I did not; Watson and Preston had been with me to see those smiths at the place where they got their dinner.

Q. The fact is, when you got there there was no smiths to bring up? *A.* No, there was not.

Q. Can you state to the Jury the name of any smith that promised to attend the Spa-fields meeting? *A.* I dont know any of them.

Q. You then knew the name of the factory where they worked? *A.* I should know it if I heard it: it is a large factory over the other side of the water, of the name of Bouverie, but I cannot recollect.

Q. You went then to the other gate? *A.* Yes, Sir.

Q. And found it shut? *A.* Yes, Sir.

Q. What did you do then? *A.* I went towards the Minories.

Q. You made no harangue at the Tower-walls? *A.* No, I did not.

Q. Nor speak to the soldiery? *A.* No, I did not; we had been there before.

Q. You did not, with a loud voice, demand the soldiers of our Lord the King to deliver up the Tower? *A.* No, I did not harangue them.

Q. You said that they had shut their gates in consequence of the meeting? *A.* In consequence of the meeting.

Q. What way did you go then? *A.* Up the Minories.

Q. Were things quiet when you passed along up the Minories? A. Yes.

Q. What way did you go then? A. From there up to the Bank.

Q. Did you go to the Royal Exchange? A. I crossed through.

Q. Was this before or after Hooper was taken at the Royal Exchange with the flag? A. I did not know that he was taken till the evening. I went in the direction to Little Britain.

Q. What time of the day was it that you met Mr. Hunt? A. Twenty minutes before one.

Q. Where was it in Cheapside that you met Mr. Hunt? A. I think they call it Bow-Church, or a very few houses on this side of it.

Q. There was then no bustle or disturbance in the City? A. Not in the least.

Q. About what time of the day might this be? A. Twenty minutes before one.

Q. What did you say to Hunt? A. I asked what made him so late, he asked me what was the matter, and I told him I was informed that a party had gone to attack the Tower: he looked at the clock, and saw that it wanted twenty minutes to one, and observed that he was only to be there at one.

Q. Is that all you stated to Mr. Hunt? A. Yes, it was.

Q. Did you say any thing more to him about the Tower? A. No, Sir, I did not.

Q. Was that all that passed about the Tower? A. Yes, Sir.

Q. Had you any other conversation with him besides what you have mentioned? A. No, Sir.

Q. Now attend to this question before you give an answer: Did you not tell Mr. Hunt that you had just come from the Tower, and add, "the Tower has been in our possession an hour," two hours, or something to that effect? A. No, Sir, I did not.

Q. Nor any thing to that effect? A. Nothing to that effect.

Q. Did you say to him "the Tower is in our possession?" A. No, I did not.

Q. Did you in any way give him to understand, that the people had got the Tower? A. No, I did not.

Q. Did you give him any reason to suppose that the people had got the Tower? A. No, I did not.

Q. Was Mr. Hunt in his curricie going towards St. Paul's,

along Cheapside? A. He was going from the Mansion-house to St. Paul's.

Q. Mr. Castle, did you not desire Mr. Hunt to turn back, and go with you to the Tower? A. I did not; I desired Mr. Hunt to make haste to Spa-fields, which he immediately did: he did not stop half a minute.

Q. Did you say any thing to him? A. Yes.

Q. In the shape of requesting him to turn back, and go with you? A. No, I did not.

Q. What way were you walking when you left Mr. Hunt? A. I was walking towards the Bank.

Q. How came you to be walking towards the Bank? A. I was going down to the Tower.

Q. You had been at the Tower once; how came you to be going to the Tower again? A. I had met the elder Watson, Thistlewood, and Keens, and they informed me that young Watson had taken a party to attack the Tower.

Q. Where did you meet those people who told you this? A. In Little Britain.

Q. And they had told you that young Watson had gone to the Tower? A. Yes.

Q. Was Thistlewood and young Watson and the rest armed at this time? A. I did not see any arms; I saw the dirk-stick in Watson's hands, but it was not drawn.

Q. Then you yourself at this time were going down towards the Tower? A. I was.

Q. What did you do with yourself after that? A. I went down to the Tower with Keens, and down Brick-lane, and there had something to drink with Keens, and then returned to the Bank; and when I got to the Royal Exchange, I went to the alley that leads to the Bank, and there I saw young Watson and a number of others firing in the air, and making a great shouting: there might be between 200 and 300 men and boys.

Q. (By Justice Abbott.) At the back of the Bank you saw him? A. In the front of the Bank, between the Royal Exchange and the Bank.

Q. (By Mr. Wetherell.) They were then firing in the air? A. Yes, Sir.

Q. Mr. Castle, do I understand you to have said that you bought all the pistols which you have spoken of yesterday? A. I bought two pair of pistols.

Q. That is all the pistols you bought? A. Yes, Sir.

Q. And all the swords? A. The three swords I bought.

Q. You bought no other arms besides what you have mentioned? A. No, I did not.

Q. Before you endeavoured to get the waggon, you endeavoured to get a stage to speak from? A. Yes, I did.

Q. Did you object to take it on account of the price? A. No the man would not let it.

Q. Did you ask the man for a stage? A. Yes, we asked if he had got any thing to speak from, and he said he had a mountebank stage, which we might have for twelve pounds.

Q. Who desired you to get it? A. Thistlewood had.

Q. That is all you know about it? A. I was with Thistlewood at the time.

Q. Why was a stage preferred to speak from? A. It was either a stage or a waggon; we did not think about a stage: it was merely accident in going for the waggon that that stage was mentioned.

Q. They did not let it out to you? A. We offered them three pounds for a loan of it.

Q. You told us that the arms were divided among the people for the second of December. A. They were.

Q. Were there any other arms distributed besides those you mentioned yesterday? A. Yes, an old sabre, and a dirk stick, that the elder Watson had.

Q. That was all? A. That was all that I saw.

Q. Did you then meet in Greystoke-place every day? A. Yes, upon most days; and once or twice we met there and at Dean-street both.

Q. After the advertisement as to the subscriptions which you have read, did any person come to give any money at Greystoke-place? A. Yes, there was.

Q. Who took the money there? A. The elder Watson.

Q. Then it was known that these meetings took place at Greystoke-place? A. Yes.

Q. What was the sum you collected? A. I cannot say.

Q. Was it twenty-pounds? A. I cannot say; there was twenty-pounds came at one time, I cannot say to a few pounds.

Q. How near can you tell us? A. Probably thirty-pounds was collected; I never took any particular account of the money as to how much was collected.

Q. Mr. Castle, you stated yesterday, that when Harrison withdrew, you were thrown into a state of alarm? A. Yes, I did.

Q. And that you resolved to have another place of meeting? A. I did, Sir.

Q. Your meetings were still continued at Greystoke-place? A. Yes, after I had seen Harrison, and that very night they were continued there.

Q. What do you mean by saying you were thrown into a state of alarm? A. Yes, Sir, so we were.

Q. You stated that you discontinued your meetings at Greytroke-place? A. No, Sir, we went to another house, called the Blue Loft, and then went back to Greytroke-place, and stopped to late hours.

Q. What was the ground that Harrison withdrew, as you represented? A. On account of a quarrel that he and young Watton had about going to Seal's for the bills.

Q. When he withdrew, who was the person who introduced Hooper? A. I did; he was appointed in his stead.

Q. Did you prevail upon Harrison to withdraw? A. No, Sir.

Q. Did you tell him if he were suspected it was better for him to withdraw? A. No, I did not.

Q. You know Mr. Angel, don't you? A. Yes, I do.

Q. You brought him to dine at No. 1, Dean-street? A. Yes.

Q. That was a day or two before the 2d of December? A. It was the Sunday before.

Q. You invited him to dine yourself? A. Yes.

Q. He was a stranger to the other party? A. Yes, he was.

Q. But before he was not a stranger to Hooper? A. But he was a stranger to the other parties.

Q. Did you make any proposal to introduce him to the Committee? A. No, I did not.

Q. Had you not proposed to Angel to give you some assistance in this business? A. I proposed to Angel to get a staff for the flag; I invited him to the meeting.

Q. Did you tell him the purpose of inviting him? A. No, I did not.

Q. Do you mean to the dinner or to the meeting? A. To the meeting; only to the last.

Q. Had you not endeavoured to prevail upon Angel to join your private meetings? A. Yes, I did.

Q. Was he proposed to accede or to refuse? A. He refused it.

Q. You could not get him to join the meeting? A. No, Sir, he declined it.

Q. Did you desire several other persons to join the meeting? A. Every one we knew.

Q. Can you tell us the name of any one? A. I cannot tell.

Q. Did you not yourself desire several persons to join your

meetings, would you could not prevail upon? A. Yes, I asked the two Crisps.

Q. And they would not? A. One was for it, and the other would not.

By Justice Bayley.—Do you mean the meetings of the 15th of November and the 2d of December, or the private meeting? A. No, I do not mean the private meetings, it was the public meetings.

Q. Did you invite Angel? A. No, I did not.

Q. You never told those you invited to the Spa-fields meetings that you would get arms for them? A. No, Sir.

By C. J. Ellenborough.—Was the Spa-fields meeting the only one you invited people to attend? A. Yes, my Lord.

By Mr. Wetherell.—Did you prevail upon many to go? A. I do not know.

Q. Did you ever see any of the Smiths there? A. No.

Q. How many did you invite yourself? A. I cannot say.

Q. Was there a great many who refused to attend? A. I do not know that there were; we used to give them bills, and desired them to attend.

Q. Did you report that you had got a great many to attend?

A. I reported every night, and sometimes twice a day.

Q. Were those reports correct? A. They were.

Q. You cannot tell how many you personally did get? A. No, I cannot.

Q. Did you make a favourable report? A. A correct report.

Q. Was it in writing? A. No, Sir.

Q. Did you exhibit a list that you could get to attend there? A. No, I never did.

Q. Did you say any thing about the number of smiths you could get to attend? A. Yes.

Q. How many did you say you could get to attend? A. About 500 persons.

Q. Do you believe that five attended of those 500? A. I do not know how many attended.

Q. Upon your oath, do you believe that one of those smiths ever did attend? A. I cannot say whether there were one or none.

Q. You do not know how many of the regiments of smiths on your muster roll attended? A. No, I saw none of them.

Q. Could you know them personally? A. I know two, if I were to see them.

Q. Do you know two names? A. No.

Q. Did you see any one in the crowd, that you had invited? A. No.

By Justice Abbott.—You was not at Spa-fields yourself?
A. I was not.

By Mr. Wetherell.—Before the 2^d of December did you go about to the public-houses with the tri-coloured ribbon?

A. I did.

Q. Did you show them to any soldiers? A. Yes, I did.

Q. In what place? A. In the Tower.

Q. Was that in a public tap room in the Tower? A. Yes, in what they call the Stone Kitchen.

Q. In the public room? A. Yes.

Q. You did not take a soldier into a corner, and show it secretly, but had done it in the open room? A. Openly; I had got it in the crowd; I did it in the midst of them.

Q. You took it out of your hat, and showed it in the tap room? A. Yes, sir.

Q. How many people were there in the tap room? A. Seven or eight.

Q. You did not take a soldier into a by-place? A. No, it was in the room.

Q. What said he to this? A. He said it was a very pretty colour, and said nothing particular.

Q. What did you say to them? A. We treated them with beer, and one of them asked me to lend him a sixpence, and I gave him a shilling, and we treated him with beer.

Q. Was this once, or oftener? A. Three or four times.

Q. You were in the public house at Drury Lane, where the soldiers were? A. Yes.

Q. In the public tap room? A. Yes.

Q. Had the soldiers there red coats on them? A. Yes, and upon duty at Drury Lane.

Q. It must have been a pretty open sort of place where they meet? A. No, sir, it is in a little back room, where there was no one but soldiers.

Q. Was it an open place that people might come to? A. Any person might come to it.

Q. Do you recollect talking to any gentleman's servant?

A. That was not in that room, but at another place.

Q. Was it Mr. Chancery Leach's servant? A. I don't know.

Q. Who were there? A. There was myself, Thistlewood, the elder and younger Watson. Young Watson abused that servant much, and said he thought he was like a negro that had run away, which the servant thought was a mark of disrespect, and there was a great quarrel between them, and the younger Watson said, that probably his (the black servant's) master might be stript of his property, and he (the servant)

of his livery; and in consequence of the quarrel they were obliged to withdraw.

Q. You don't happen to know what was the original cause of quarrel between young Watson and this person? A. It was because he (the black servant) did not altogether agree to the meeting.

Q. By J. Abbott.—Who was obliged to withdraw, was it your party? A. No, it was the gentlemen servants; there was one in livery, and one not.

Q. By Mr. Wetherell.—You went to the Canteen at the Horse Guards? A. Yes.

Q. That was a public room, was it? A. Yes, it was.

Q. Now, Mr. Castle, do you recollect going to dine at Bouverie Street? A. Yes, I do.

Q. When was that? A. The evening of the first meeting at Spa-fields.

Q. Who dined there? A. The two Watsons, Thistlewood, Hooper, and myself.

Q. Was that the whole of the party? A. There was Mr. Hunt, and, as I understood, Mr. Clark the chairman, and several other persons whom I did not know.

Q. How came you to dine there? A. We went after the meeting; we went knowing that it was where Mr. Hunt put up at.

Q. Did you stop there long? A. Till dark; very probably till six or seven o'clock.

Q. But to return to a former part of the subject, be so good as describe to us what your attack was to be upon the Bank, when you spoke as to defending it by bottles, and things of that sort? A. Any thing we could get hold of.

R. Where were you to get them? A. Out of the gunsmiths' shops, and we were to get to any place we could, or take any thing we could get hold of, such as bricks and tiles, and to throw them from the tops of the houses.

Q. And you were to get upon the tops of the houses? A. We were to get into the Bank, and, if necessary, to line the houses that surround it.

Q. There was to be a party in the Bank, and a party upon the tops of the surrounding houses? A. Yes, sir.

Q. That was your plan upon the Bank? A. Yes.

Q. Where were the glass bottles to come from? A. From the different people's houses that had them.

Q. As to the dinner party I was speaking of, do you recollect any thing particular happening at Bouverie Street? A. Yes.

Q. What was that? A. I recollect that Mr. Hunt said

he could not see the colours which were in Spa-fields from the wind flying them about, and I therefore took them out and showed them to him, and he took hold of one end and of the other, so as to see them.

Q. Do you recollect giving any particular toast at Bouverie Street? A. Yes, I do.

Q. Do you recollect what was the toast that you gave there? A. Yes, I do.

Q. What was it? A. "*May the last of Kings be strangled with the guts of the last of Priests.*"

Q. Did you propose that toast? A. I gave the toast, and Mr. Hunt desired me not to be so violent, and stopt me.

Q. You proposed the toast yourself? A. I did.

Q. Was that all that Mr. Hunt said? A. I believe it was; I don't recollect any thing particular.

Q. You don't recollect any thing about turning out of the room? A. Nothing of that kind.

Q. Only a little hint that it was rather too violent? A. Yes, that was all.

Q. Is that the only time you have been admonished not to be quite so violent? A. Yes, sir.

Q. Did you give any other toasts? A. I never gave any other toasts.

Q. That was the only time you were checked for your violence? A. Yes.

Q. Was there nothing said about the company leaving the room if you were so violent? A. Not that I can recollect.

Q. Was it not Mr. Hunt who desired you to leave the room? A. I am not certain whether Mr. Hunt said that if I were so violent he must leave the room.

Q. It was either as to turning you of the room, or that he must leave the room? A. There was nothing about turning me out.

Q. Was it that he would leave the room? A. I don't recollect.

Q. Do you recollect any thing about falling asleep? A. Nothing about that.

Q. What is called a fox's sleep? A. I don't know that I was asleep at all.

Q. Do you recollect shamming a bit of sleep? A. I do not.

Q. You neither were asleep nor shammed sleep at this dinner? A. No.

Q. Do you know what is called a fox's sleep? A. No; and I did not, to the best of my recollection, do so.

Q. Let us see how that stands? A. I don't recollect, nor do I think, I was.

Q. You cannot positively deny it? A. No, I cannot; I think I was not.

Q. You did not pretend to be asleep? A. No, Sir.

Q. It was neither real nor pretended, nor sham sleep? A. No, Sir.

Q. Neither real sleep nor sham sleep? A. No.

Q. Did Mr. Hunt invite you to dine, or did you invite yourself? A. Mr. Hunt asked if all there intended to dine.

Q. Did Mr. Hunt invite you to dine there? A. No, Sir.

Q. What do you mean by saying that he asked you to dine? A. He asked if the whole of the room meant to dine.

Q. You came uninvited? A. I went with the elder Watson and Hooper.

Q. Did you propose that Hunt should join you to dinner, or did he desire you to do so? A. Nothing of the kind was said; I walked up, as many others did, and found Thistlewood, Hooper, and the two Watson's there; I walked up and dined there.

Q. Did you say any thing to them about dining at the same table with Mr. Hunt? A. No, Sir; he and I had no conversation with each other.

Q. Did Hunt invite you to sit down at the same table with him? A. No, he did not.

Q. Was it you, or some other person, who proposed to sit at the same table? A. No, not I; I do not recollect.

Q. Do you recollect ringing the bell, and asking what you should have for dinner? A. I never did.

Q. What was the subject of general discussion there? A. Merely the meeting, and the next meeting: nothing was said of politics all the time.

Q. Only your toast? A. There were other toasts.

Q. Do you know that Hunt said any thing to you, or you to him about the soldiers? A. I do not know.

Q. Was there a little bit of violence upon the soldiers?

A. No, Sir.

Q. He did not give you any reprehension upon the subject? A. No.

Q. You swear that? A. Nothing was said as to the toast.

Q. You do recollect the toast? A. I told you the toast.

Q. By C. J. Ellenborough.—Were there many toasts drank? A. There was.

Q. By Mr. Wetherell.—Were there many violent toasts after yours? A. No, Sir.

Q. Did any person give the King and other such toasts,

and other such things? A. No, Sir, the King was left out of the question.

Q. It was not drank? A. No, it was not.

Q. Do you swear that positively? A. I never heard it.

Q. Do you swear that positively? A. Yes.

Q. Was it drank or proposed at the table where you were dining? A. No it was not.

Q. Did you not tell Mr. Hunt that you had assisted in getting a French Officer or some French Officers out of the country? A. Yes I did; I recollect there was something about it said.

Q. Did you tell him you had got five hundred pounds for it? A. I don't know that I did.

Q. Was it true or false? A. I never did.

Q. Why was this said? A. A number of people had known that I had been taken up with an Officer, and that I had assisted in taking him away, although he did not get away.

Q. Did you ever say that you had threatened to shoot the French Officer because he could not get along with you quick enough? A. I did not; there was no such conversation at the dinner.

Q. Nor after the dinner? A. No Sir.

Q. Do you recollect the name of General Le Febvre Desnouettes being mentioned? A. Yes.

Q. Did you say that you had assisted that General in getting out of the country? A. I don't know whether I did or not, nor do I recollect any thing being said as to that.

Q. You are positive as to that? A. Yes.

Q. Did not Hunt in your recollection correct you, and say that you should not say such things as those? A. I don't know that he did.

Q. Did he correct you in any thing besides, as to the toast? A. I cannot recollect.

Q. Nor can you recollect being a sleep? A. I had taken rather too much wine and spirits.

Q. Do you recollect people shaking you there a bit? A. No, I don't.

Q. Did any other persons dining at the table admonish you, besides Hunt? A. No, Sir.

Q. Do you recollect any other dining at the table? A. No, except the names I have mentioned.

Q. Do you mean to say that you were in liquor before this dinner or after the dinner? A. Both, I had been drinking before, and drank more after.

Q. This dinner was after the first Spafields Meeting? A. Yes; I had drank a great deal at the Merlin's Cave.

Q. Before, or after dinner? A. Both before and after dinner.

Q. Do you mean to say that you were drunk? A. I was not drunk, but I was the worse for liquor.

Q. What quantity had you drank at the dinner? A. I cannot say.

Q. Do you mean to say that the quantity you drank after dinner made you intoxicated? A. No, the liquor before.

Q. Pray Mr. Castle, I understand you to have said that before the meeting of the 2nd of December, your former plan of burning the Barracks was given up for the present? A. Yes.

Q. What did you mean by giving it up for the present? A. on account of Harrison's withdrawing, and our not getting a house for the combustibles.

Q. What was the rent of the house you were in treaty for? A. I don't know.

Q. What was it that was asked in advance for the rent of the house? A. I think it was fifteen pounds, or some such sum that was asked for the fixtures.

Q. You could not raise the wind to pay this money down? A. the money could have been paid, but the gentleman would not give up the key.

Q. After you found that you could not get this house to put the combustibles in, you did not go to get another house? A. It was too late, as that was the Saturday night that the Barracks were to be set on fire.

Q. Had you bought your combustibles? A. No; they were soon to be got.

Q. And the money was one hundred pounds? A. No, about twenty pounds.

Q. Did somebody say that money should not be spared? A. Yes, Thistlewood said so.

Q. What was the plan of burning the Barracks? A. The whole of the combustibles were to be placed in the avenues, and set fire to, to prevent the cavalry coming up.

Q. Did you propose this plan yourself? A. No, it was the elder Watson, and Thistlewood.

Q. How many avenues to the Barracks were to be set on fire? A. Six avenues at the King-street Barracks.

Q. To stifle the soldiers? A. Yes.

Q. Are they pretty wide avenues in the Barracks? A. Yes, there is a cart road.

Q. Are these six avenues large enough for carts? A. No, not large enough for a carriage, but there is a back gate up the stable yard where they occasionally go in.

Q. So the reason of giving up this plan was Harrison's withdrawing? A. Yes, Sir.

Q. Why could not the five go on with it as well as the six? A. On account of the meeting taking place afterwards.

Q. Why could not the five go on with it as well as the six? A. It was owing to Mr. Hunt drawing up the petition, and as we thought there would be as many upon the Monday following, when the next meeting was to take place.

2. You told us that it was owing to Harrison's withdrawing? A. Yes, but probably it would have been postponed on that other account, if he had not withdrawn.

2. All the soldiers were to be stifled, except those who escaped or were killed? A. Yes, Sir.

2. You said that other places were to be blocked up with coaches and carts? A. Yes.

Q. How were you to get those people together at half past twelve o'clock? A. The whole of the people were to collect at a certain place in the Regency Park, and there to have beer and liquor, and bread and cheese, and some were to go one way and some another, and if we had got the house, those we could confide in, were to be employed in preparing the pikes, and in preparing the combustibles.

Q. Detail what the plan was for this insurrection at half past twelve in the morning? A. Thistlewood and young Watson were to collect their men together at a given hour, and the elder Watson and me were to get from them three or four hundred men, and place them near this house, and near the barracks, to divide these ingredients amongst the barracks, to set them on fire at a given time.

2. You said something about taking the coachmen off their boxes from all gentlemen's carriages and coaches? A. We were to take the horses out, and make every person join us that we could get.

Q. And all the drunken people you could get? A. I did not say so; it was to be upon the Saturday night or the Sunday morning, as there would be a great many drunken people about.

2. Then you were to take the horses out of all carriages, and to make the coachmen join you? A. Yes, and the horses were to be mounted by those who could ride, in order to form a cavalry.

2. What were you to do with the carriages? A. They were to blockade the different avenues.

Q. Was the end of Oxford-street near the Park to be blockaded? A. No.

Q. Why not? A. That was to be guarded by two field-pieces.

Q. What general was to guard these two field-pieces? Was it General Preston, General Watson, General Castle, or General who? A. Preston was to attack the Tower.

Q. Who was to command these two field-pieces, at the end of Oxford-road? A. Harrison, he being an artillery-man.

Q. And then the hackney-coaches, and gentlemen's carriages, which you were to pick up, were to blockade the right hand side of Portman-square? A. Yes, all that end, and the avenues upon the right-hand side of Oxford-road, were to be blockaded.

Q. They were to barricade the North-side of Oxford-road, and Holborn, with any thing they could get? A. Yes, Sir.

Q. What is Hooper? A. A shoemaker.

Q. Is he not a cobbler? A. I dont know what he is.

Q. Is Preston a cobbler? A. He is a shoemaker.

Q. Could they ride? A. They both told me they could not ride.

Q. Preston was to go down to the Tower? A. Yes, Sir.

Q. And what was Hooper to do? A. He was to have nothing to do with it.

Q. Preston cannot ride? A. He is lame.

Q. How then was he to lead? A. He said upon such an occasion as that, he could walk fast enough.

Q. He was to have the command, of one entire division? A. Yes.

Q. What were you to do with Piccadilly? A. To barricade the whole of the gates leading into the Park; and to chain the turnpike-gates, till we got to the Horse-guards, and then we were to barricade at Charing-cross.

Q. At Piccadilly-gate, what were you to blockade with? A. Any thing they could get; a great quantity of spikes, upon the rails of gentlemen's gardens were to be taken down; and the iron palisades, and spikes fixed in them, were to be pulled down, and used in blockading the passages if it were necessary.

Q. Do you mean the paleing opposite Lord George Gordon's wall? A. The whole were to be pulled down.

Q. The Marquis of Wellesley's? A. The whole of them, if we could not do without them, and the spikes upon the top of garden-walls, which are put into the stone.

Q. You said that Dr. Watson is a good calculator, had he calculated the time of effecting this blockade? A. It would soon be done he said.

Q. He assisted you with calculations of money, had he taken out his watch to calculate this, as to how many days would be necessary to be taken? A. The whole possession of London we were to have in three or four hours; they were all to be done by different generals attacking those places at one time, and after the barracks were set on fire, London would be so much in alarm, that we were to halloo, and to say that the whole of the soldiery had joined us.

Q. Soldiers were to be stifled like rats in a ship? A. Yes.

Q. At Knightsbridge Barracks, what was to be done there? A. We found it was impossible to get at them.

Q. Dr. Watson had not made any portion of physic for them? A. No, Sir.

Q. No stench was prepared for them, as was to be prepared for the Portman Street and King Street barracks? A. He said the stench would be so strong that it would soon stifle the soldiers, but that place was to be left alone.

Q. Why was not the plan, or the stinking process to be applied to them as well as the others? A. I never used the word stinking. I told you that it was to be done with many combustibles, but that we could not get at these barracks, and therefore it was resolved that we should have nothing to do with the Knightsbridge barracks.

Q. You could not stink them out? A. I did not say that we were to stink them out.

Chief Justice Ellenborough.—You have stated the words he used with perfect accuracy.

Q. How were they the soldiers of these barracks to be prevented from coming into the town? A. If they had come out from the barracks, those field-pieces were to be played upon them.

Q. Where were they to be put? A. On the inside of the gate at Oxford Road, and as they, the soldiers came from Knightsbridge barracks, those were to stop them.

Q. Were you to have any regiments of infantry to stop them besides the field-pieces? A. A party of pike-men.

Q. And with the field-pieces and these pikemen the cavalry were to be put to flight? A. Yes.

Q. With regard to the Horse Guards what were you to do? A. There was to be a field piece at the top of the Green Park towards the Palace, or a couple of field pieces if they could have been spared, were to play upon them.

Q. You told us only of two field pieces? A. The whole of the artillery from the Regent's Park were to have played.

Q. Pray Mr. Castle was it a part of your plan to use Bonaparte's great mortar at the front of the Horse Guards? A. No, it was never mentioned.

Q. Or the curious gun that came from Egypt? A. No, Sir, they were not mentioned.

Q. In short this was to be your system of Tactics? A. Yes, it was.

Q. There is an infantry barracks before you get down to Knightsbridge, what was to be done with that? A. That is upon the left-hand side; Thistlewood and myself went and examined it on the front and back, and found that there were iron bars there, and therefore no plan was adopted as to this last infantry barracks.

Q. Your told us that London Bridge was to be barricadoed, to prevent the artillery coming from Woolwich? A. I did.

Q. Had you formed any plan to prevent it being brought up to London by water? A. Yes, we had; that was the reason that young Watson and I were sent to the wharfs and ship-brokers to see what grape, cannister, and ball there were, and the ships in the river were to have been meant to have prevented them coming up, and to have been sent immediately out to sea to inform the navy, and all ships they might meet, that a new government was established, that they must come home for fresh orders.

Q. Then your plan was a blockade upon the Thames, as well as upon the roads? A. Yes, Sir.

Q. You say that no more than six persons formed your Committee for the execution of this plan? A. There were no more than six.

Q. I did not quite understand what the title of your command was? A. The whole six of us was to be generals.

Q. Have you ever mentioned that part of the naval plan before? A. I was not asked it yesterday.

Q. Why did you not mention it yesterday, was it too ridiculous? A. You stopped me, I was interrupted yesterday, when I was going to tell that story as to young Watson and myself, going into the ship-broker's, to collect all the information we could as to ammunition, guns, powder, balls, and grape-shot, round there, to enable us to man the whole of the vessels in the river, and to send them out, to prevent them (the artillery) coming by water from Woolwich.

Q. Pray Mr. Castle did you ever go by the name of Jackson? A. Yes, I did.

Q. Upon what occasion? A. After the first Spa-fields meeting, Angel thought it would be much more prudent for me to go by some other name, and then I went by the name of Jackson; but I did not take the lodgings in my own name, but I always paid my rent in my own name.

Q. How came he to think it would be more prudent to change your name? A. For fear I should be taken. Knowing that there were only six of us, and so often coming backwards and forwards from Greystoke-place, and at the Cock, in Grafton-street, lest we should be apprehended.

Q. But your person might be arrested although your name were not changed? A. There was never any thing took place till after the second meeting; I did not change my name till after the second meeting.

Q. By C. J. Ellenborough.—Where did you lodge then? A. No. 19, Princes-row, Newport-market.

Q. By Mr. Wetherell.—Did you ever live at Carnaby-market, recollect? A. No, Sir, I cannot recollect.

Q. Never? A. No, Sir.

Q. You say you went to Exeter-change to see for arms there? A. Yes, Sir.

Q. What arms did you expect there? A. Guns, sabres, or swords, about forty or fifty.

Q. Did you see forty or fifty there? A. Yes, we did; as to swords or pistols I do not know, but we saw all weapons.

Q. Did you not state yesterday that there were thirty or forty guns and pistols to be got there? A. I said we went to see how many we could get there.

Q. How many guns and pistols did you see there? A. I cannot say whether we saw guns there or not, but swords and pistols.

Q. How many pistols? A. I cannot say that I saw pistols there.

Q. Any sabres there? A. Yes, Sir.

Q. How many? A. More than twenty.

Q. By C. J. Ellenborough.—You said yesterday that there was a shop close by with arms? A. Yes, my Lord.

Q. By Mr. Wetherell.—Was it not one of your reasons for giving up the blockading plan that the people were not ripe for it? A. I did not say not ripe for it, but that we could not get a sufficient number; that was one of the reasons for abandoning it without calling a public meeting.

Q. How long had you known Kcens before he joined this party? A. I saw him several times at the Spencean meetings.

Q. You stated yesterday that Watson, the prisoner, began to communicate to you about overturning the government? A. Yes, Sir.

Q. I believe at that time he did not know your address, did he? A. He did not.

Q. How long had you known him then? A. I had seen him several times at the different meetings.

Q. Had you seen him many times at these meetings? A. Yes, I had seen him three times.

Q. You did not know where he lived. A. No.

Q. And yet he began to state to you, that it was no difficult matter to overturn the government conditionally, that the plan was well handled? A. Yes, that was the expression.

Q. Although he did know where you then lived? A. No.

Q. Had he spoken to you twice before that? A. I do not know.

Q. Had he ever spoken to you once at that time? A. I don't know that he ever had.

Q. And not knowing where you lived he spoke so? A. He talked upon other subjects as well as the upsetting the government, that it was the very first night that ever I saw him that he talked of the plan of upsetting the government.

Q When did you first disclose this transaction to any body, after the second Spa-fields meeting? A. When did I first disclose it?

Q. Yes? A. About the 6th or 7th of January.

Q And you were first imprisoned in February. A. Yes.

Q. Were you present at the first Spa-fields meeting, near enough to hear the resolutions put? A. I was in the room.

Q. Do you recollect seeing the magistrates there? A. Yes, I do; I dont know whether they were magistrates or not, but I saw several people go or come in there.

Q. Did you not boast that you had put your fist in a magistrate's face? A. I did not know whether he was a magistrate or not.

Q. Did you say that he was? A. Yes, I might say so.

Q. Then you have boasted, that you had put your fist in a magistrate's face? A. I did say to one person, that was shoving me off the table, that if he did that again, I might put my fist in his face.

Q. Do you know the persons of the police officers or not? A. Yes, I do.

Q. Did you see them at the first Spa-fields meeting? A. Yes.

Q. Do you know the names of them? A. No, but I know them by sight.

Q. You are well acquainted with their faces? A. Yes.

Q. Were there many there? A. Yes.

Q. The names of the magistrates you dont recollect? A. I dont know whether they were magistrates or not.

Q. Was the flag handed up at the window? A. I gave it up the stairs.

Q. Was the flag near the face that magistrate, whom you threatened with your fist? A. I dont know.

Q. Was the magistrate within sight of the flag, if he were at the window? A. Yes.

Q. Did you not know that the room that you forced your way up into, was a room taken by the magistrates? A. I did not know, neither as to that room, nor any other.

Q. But you saw some of them in and out of the house? A. Yes, I saw them both in and out.

Q. But whether the room you went up to, were the room they had taken, you dont know? A. I did not know.

Q. Did you force yourself up into the room? A. I did, with many other people.

Q. Did you say something rude to the landlord, when he opposed you? A. I did not know the landlord.

Q. How many people went up with you? Twenty, or thirty? A. I dont know; the room was nearly full.

Q. Was you not of the party that forced the magistrates out of the room? A. I dont know.

Q. What do you believe? A. I dont know, it is the first time I ever heard it: I never knew that there were magistrates there: I never was in the house before in my life, and did not know they were going to the house.

Q. Did you know who had taken the room, that you and the others went up into? A. No, I did not.

Q. Did you and the other persons, go forcibly up into that room? A. No, I did not.

Q. Had not some persons gone into that room, before you and the others forced your way there? A. Not that I know of.

Q. Before the flag was exhibited at the window was the frame taken out in your judgment? A. No: I did not know that it was taken out.

Q. How near was you standing to Mr. Hunt when the flag was taken out of the window? A. I was not nigh the window he stood at, I was at the left hand window, and he was at the right.

Q. How near is the left to the right window? A. Almost close by it.

Q. Did Hunt hang out his head when speaking? A. Yes.

Q. Was the flag out of the window when he was speaking? A. Yes, but it was impossible he could see the inscription on it, but he could see it waving about backwards and forwards.

Q. How many people were about the Merlin's Cave when Hunt addressed them? A. It is impossible to say.

Q. There were five or six thousand were there not? A. It was said that there were as many as fifty thousand.

Q. Did you see any police officer whose name you could mention? A. No, I did not.

Q. Did you see the people that belonged to the Cold-bath-fields prison, at the first meeting? A. No.

Q. Do you know Mr. Beckett, the under keeper of the Cold-bath-fields prison? A. Yes.

Q. Did you see him? A. No.

Q. What number of people do you believe were round the Merlin's cave when Hunt was addressing the mob? A. I cannot say; I had heard it said there were fifteen or twenty thousand. There some going and some coming.

Q. Do you know Mr. Dyall and Mr. Clarke? A. I know Dyall, but I never saw Clarke before in my life, nor do I know that I should know him further than that his name was Clarke.

Q. What did you with the flag after the first Spa-fields meeting? A. I took it with me to Bouverie's Hotel.

Q. Was the flag that was used at the first Spa-fields meeting the same as was used at the second one? A. It was the same.

Q. Then when the meeting was over, you took it from the room and kept it? A. I kept it till the Sunday morning.

Q. You went away with it? A. I did.

Q. I suppose your person is pretty well known to the police-officers? A. I do not know.

Q. Have you a doubt of it? A. I do not know; there is only two or three know me.

Q. Why did you change your name? A. It was my own choice.

Q. You stated that you were in very great distress before February last? A. Yes, I was.

Q. Who has supported you since your arrest and commitment? You are well dressed now; who paid for your cloaths? A. I have been supported in Cold-bath-fields prison.

Q. Who paid for your dress? A. Mr. Stafford.

Q. How long have you had that coat on? A. A month or six weeks.

Q. Did Stafford order it for you? A. No.

Q. Who did? A. I ordered it at the cloaths-shop.

Q. Who paid for it? A. Mr. Stafford.

Q. Has he paid for the cloaths you have now on? A. Yes.

Q. Ever since your arrest have you been supported by him? A. I do not know who paid the expences; the cloaths were purchased by Mr. Stafford and given to me.

Q. Have you had any pocket-money from Mr. S.? A. I have.

Q. Who furnished the money for your wife's going down to Yorkshire? A. Mr. Stafford.

Q. What money was given to her for that purpose? A. Five pounds.

Q. When was it given to you? A. Before the month of Feb.

Q. How came you to send your wife out of town? What harm had she done? She was not a traitress? A. No particular harm.

Q. How came you to send her out of the way? A. That is best known to myself.

Q. Who suggested that she should be sent out of town? A. Nobody but myself.

Q. You alone? A. Yes, me alone.

Q. Pray, Mr. Castle, if your wife had been here, would she have been able to have stated what you have stated. A. I dont communicate any thing to her.

Q. But places and times are facts which she could have stated as well as you? A. I do not know that she could.

Q. Could she have stated many things which you have stated, or not have stated many things which you have stated? A. No, Sir.

Q. Neither negatively nor affirmatively? A. I dont know.

Q. Would she not have negatived her going out of the room? A. She perhaps would.

Q. Could she not have stated, where you were at different times? I do not know that she could.

Q. Pray, Mr. Castle, after Preston was taken, did you take care of any of his goods for him? A. They were not his goods.

Q. There were some goods that you, Mr. Castle, took care of after Preston was arrested? A. When Preston was taken by the Lord Mayor, his daughter assisted me in getting some of the things away as there was some rent owing and I went to get away some things; I got away a table and flock-bed which I had assisted Dr. Watson to bring from his lodgings, which he had given to the Committee, and which were left at Greystoke-place.

Q. And what became of them since? I took the old table and old bed.

Q. That was all? A. There were some other things of no consequence; young Watson and Preston being out of the way, they left Preston's daughters with money and victuals, but left me without any money, therefore I took those things. They wanted them back but I would not let them have them.

Q. What had they (Preston and Watson) to do with you? A. They had supported me before. Thistlewood always promised that we should have some fishing money to take us out of the country if any thing should happen.

Q. I have heard a story about a key of the house in Hyde-street; what is it? A. I know nothing of the key of Hyde-street and never had the key.

Q. Will you swear that you had not access to the house at Hyde-street, Bloomsbury? A. No Sir, and I never was there but three or four times with the elder and the younger Watson; I and young Watson took the pikes there.

Q. And you know that the pikes were found in the privy? A. No, Sir.

Q. Do not you know upon your oath that they were found there? A. Since my arrest I have heard that there had chanced to be found some pikes in the privy; Mr. Nodder was the person who gave me the information.

(Re-examined in chief by Mr. Gurney.)

Q. Did you know that pikes were in the privy till Nodder informed you of that after you were in custody. A. I never did.

Q. Were you ever at that house in Hyde-street, Bloomsbury, after young Watson and you had carried the pikes there? A. Never;—Yes, I beg pardon, I was; the last time I was there was either upon the Tuesday or the Wednesday after the first Spa-fields meeting when I went to assist the elder Watson to bring away some of his things, and to assist him and Preston's daughters to carry things to Greystoke-place.

Q. And the elder Watson was then in your company? A.

He was, and he came to assist us to open the door to get the things away, and he wished to get them away in the night as he owed so much rent.

Q. Did you ever see the pikes again after you had left them on the 6th of Nov. A. Never, neither the pikes nor the bags.

Q. (C. J. Ellenborough.) You have mentioned that it was agreed that you should give the soldiers 100 guineas a man or double pay; had you contemplated to pay it immediately or in future? A. Immediately, my Lord, from the Bank, from the money that was taken there.

Q. Had that been agreed upon? A. Yes, my Lord.

Q. Had that been matter of consultation and arrangement? A. Yes, my Lord.

Q. Who were the parties? A. Harrison, the two Watsons, Preston, Thistlewood, and myself.

Q. Had you settled any other matters as measures that were to be consequent, or that were to arise from the attack upon the Bank and the Tower? A. Yes, my Lord.

Q. What other plan? A. The whole of the bank-notes were to be destroyed, and nothing but cash paid. It was agreed upon, that there was plenty, as all the plate was to be taken away from the whole of the noblemen and gentlemen in the kingdom, and that was to be coined; there was to be a fresh coinage, and a motto upon the coin.

Q. (By Juror.) At what meeting of the committee was that? A. Upon Sunday, the first Sunday that ever I met them when the whole of the plans were arranged to set the barracks on fire.

Justice Abbot. He never fixed the date, but spoke of it as the first Sunday before the first Spa-fields meeting.

Justice Bayley. That was the first of the Sundays upon which the committee met.

Q. (By Chief Justice Ellenborough.) Were you to attack the gun-smith's shops and get the arms by force or to endeavour to get them by peaceable means? A. Every General was to have an order to pay for them and to have a check to give for them which if not complied with the arms were to be taken by force.

Q. Where there any checks framed or drawn out? A. No, my Lord.

Q. You stated that the first place you were to seize was the Bank? A. Yes, my Lord, the Bank and Tower.

Q. Any other place? A. Somerset-house was to be made the head-quarters.

Q. Upon the first breaking out? A. Yes.

Q. You had no money in hand but the small sum mentioned? A. No, my Lord. What money there was came entirely from Thistlewood, and I did not know money he was in possession of.—*Witness withdrew.*

Ann Wright examined by Mr. Richardson.—Kept the King's Arms and Golden Anchor, in East Smithfield, in the month of December. A person of the name of Atkins lodged at her house then and before.—Atkins is since dead. Watson, the elder, came to her house on the 2d of December, between one and two o'clock; Atkins was in the tap-room. Watson went in, and Atkins got up and shook hands, and asked him how he did. Atkins asked him to go into the parlour, but Watson said he would go into the tap-room, where he could have a speech of free liberty. Heard Watson say—"Come on, my brave boys! If you had but followed me, the Tower would have been in our possession before now." Had heard of the riots in the Minories, and was going to shut up the house when Watson came in. Watson staid about ten minutes, and went away by himself; he had a drab-colour great coat on, and had a stick in his hand, which he flourished about in a noisy manner; had seen the younger Watson with Atkins several times.

Cross-examined by Mr. Serjeant Copley.—There were a good many people in the parlour, and a good many in the tap-room. It was lunch-time. The people in the parlour were belonging to the London Docks, and in the tap-room they were chiefly sailors. Atkins staid in all day. He was lame. The tap-room and the parlour only communicated by a passage. There was a passage between the tap-room and the bar. Never saw the prisoner since, till yesterday in the court. Told the story a little before Christmas, during Atkins's life-time, but did not know the name of the person to whom she told it. Did not go into the tap-room, but could see that they were chiefly sailors. She saw them when they passed to go out. Heard so from her man, who is now dead. Could not swear that the sailors she saw coming out had not gone in after Watson went away.

Re-examined by Mr. Richardson.—The general run of her tap-room customers were sailors. William Miller was there at the time.

William Miller examined by Mr. Richardson.—Is a seaman, remembers the riots in December, and was at the King's Arms and Golden Anchor on that day. Watson said, If they had been of his mind, the Tower would have been in their possession.

Cross-examined by Mr. Wetherell.—Never saw the person before or since. Could not say the time exactly. Believed it was rather dusk. Did not think it was so late as five o'clock. There were a great many sailors there. Thinks it was between two or three. They were at that time talking about the riots.

Zaccheus Bannister examined by the Attorney-General.—Lived at 30, Hyde-street, Bloomsbury, in December. Watson took a small shop in the front of the house for his son. Watson had no other apartment in the house but the shop. There was a key to the shop, and a latch-key to the street-door. Watson and his son both came together sometimes. Believed the younger

Watson sometimes slept there, but did not see the shop while Watson had it. Knows Vickery the officer, who came to search the house on Thursday, the 5th of December. Was with Vickery when he made the search. There were several other people. Saw them overturn every thing in the room, and take away a great quantity of papers. Vickery forced the door, which was locked. The younger Watson had the key of the door. Could not swear to the key produced. It appeared like the key of the shop-door. Remembers seeing Vickery again on the 5th or 6th of March. Vickery was also there on the 12th of December. Remembers the privy being searched in March. He was present at the search. The privy was quite emptied. Some iron spikes were found.—[In answer to a question from Lord Ellenborough, witness said that he had never seen any of these spikes before.] Had not seen either the father or the son since the 11th November.—[Mr. *Wetherell* here protested against receiving in evidence any thing that had been found upon the premises of the witness at so late a period as the 12th of March, particularly as it was the alleged place of lodging of the son, and not of the father. He admitted, in a charge of conspiracy, that papers found upon one of the parties would be admissible evidence against the rest. The papers and other things found upon the premises might have been fabricated, and put in afterwards.]

Cross-examined by Mr. Serjeant *Copley*.—The key of the street-door was a latch-key. The privy was in the yard, common to all. There were several persons in different parts of the house. The way to the yard was through the passage, having the shop on one side. The son was a surgeon and apothecary. The outside shutters of the shop were not opened between his last seeing the Watsons on the 2d of December. The shutters were never wholly taken down, but part were down every day. No one had access to the shop but themselves.

John Vickery examined by the *Attorney-General*.—Is one of the Police Officers belonging to Bow-street.—Went to Bannister's house on the 5th December; went into the room called young Watson's. The key could not be found; and no other key being able to open it, the door was forced. Searched the shop, and found some papers scattered about the place. He marked the papers; those produced were the same. Went again on the 5th March, first in the morning, when he saw Mr. Bannister. There was then a partial search in the privy, and at night the privy was cleared in witness's presence. There were several pieces of iron in the bottom, eight or ten inches long. These were kept in witnesses possession, except two which Mr. Litchfield had the morning after they were found. The witness here produced the pikes. There were, he believed, two hundred, all but two.

Cross-examined by Mr. *Wetherell*.—Could not say, exactly,

when the papers were found; the place was in confusion; some of the papers were in boxes, and some in drawers.

The *Attorney-General* offered to put in the papers as evidence.

Mr. *Wetherell* objected to their being received, unless it could be shewn that they were written by Watson the elder, or positively adopted by him, as they were not found in his possession.

Lord ELLENBOROUGH ruled, that the finding the papers on the 5th of December was as good as finding them on the 2d. They might be evidence against the son, although not against the father, unless in the furtherance of an object common to both.

The *Attorney-General* said, that one of the papers was like a plan of the Tower, and the other of a machine to act against the cavalry. There was a copy of the bill calling the first Spaffields' Meeting—a plan of military operations, and a list of names, but not stating what those names were for.

Mr. Justice BAYLEY said, that as Watson had not been there since the 18th November, the papers, though found since, must be considered as very antecedently in his possession.

On the back of one of the papers was written William Beaufoy and Thomas Moore, 3, Slaughter-street. Question—Are all men entitled to equal shares of the water and the land. Answer—Yes, it is clear they are, because all men require the produce of water and land for their support.

Paper without a title—Fs. Burdett, Thos. Hardy, Saml. Brooks, Charles Puller, Thos. Evans, senior, G. Harris, G. Jones, — Roscoe, Walter Fawkes, Thompson, P. G., Waithman, L. I., Thos. Evans, junr. Sy.

The next was a drawing of the tri-coloured flag, with the inscription of Nature, Truth, and Justice, &c.

The next was heads of a speech to be made: also manuscript notes of questions to be asked on the 2d December.

Mr. *Wetherell*, at considerable length, contended that this paper, of which no previous proofs had been given, and which, at present, as the evidence now stood, there was no intention of publishing, could not be read in evidence. If this paper were received, he could see no bound to the production of papers in evidence. He apprehended that the rule of law was, that an unedited paper found in the possession of any man, not acted upon, and which there was no proof of an intention to act upon, could not be made evidence against a man charged with high treason.

Mr. Serjeant Copley followed on the same side, and contended that the present case came precisely within the meaning of Sidney's case. A book written by Sidney, on a certain question, was found in his closet unpublished. This book was produced, but it was ruled that it could not be taken in evidence against him, but only as a declaration of his political opinion. This

case was the same. Sidney's book was an opinion on a civil question. The present paper contained an opinion on a military question; and, as far as appeared in any evidence, was only a speculation never intended to be acted upon.

The *Attorney-General*, on the other side, contended that the paper in question ought to be received in evidence. The present case differed as much as any case could from Mr. Sidney's case. He did not urge this as evidence of speculative opinion, but as a paper, corroborative of and supporting the evidence already adduced, as proving that the feeling which actuated the common mind of these persons was to subvert the government of the country; and that one of their objects for facilitating their intent was, if possible, to inflame the minds of the lower orders of the people, and to seduce the soldiers from their allegiance.

Lord ELLENBOROUGH said, no arguments were necessary to shew the difference between this case and that of Mr. Sidney. The only question here was, to shew how it conduced to give effect to the plans and operations of the prisoners. There was no proof that the papers had been circulated, or that it was intended to circulate any amongst the soldiers. The Court in a case like this would always lean to the prisoner; at present, in his opinion, the document was, unless more evidence was produced, too abstract to be received.

The rest of the Court agreed in this opinion, and the paper was rejected.

The advertisement calling a Meeting in Spa-fields was then read and put in.

Thomas Hillingworth, servant to Mr. Leach, of the Chancery Bar, was at a public house in Long Acre, on the 5th of November last: he was in a small parlour next the bar, when he observed three or four persons come in, one of them a young man. Witness had been a Nobleman's servant, and had on his button a coronet. One of the persons who came in asked him who made his master a Lord? The witness's friend made no answer, but witness endeavoured to explain to them. The youngest of the strangers, the witness believed young Watson, asked how it came about that this Lord had so much landed property? He said the servant had an equal right with the Lord, and that the time was fast approaching when he would have as much money and land as his master. They entered into a great many different arguments. One of them, I think Castles, asked witness whether he knew if there was a double guard placed at Carlton-House. Witness said No. They replied they knew there was a double guard, but a double guard would be of no use to the Prince Regent. The soldiers would not fight for such a government as this: they had been abroad, and seen how merit was rewarded in France, and they would now refuse to fight, as they had formerly done, for such a government. The conversation ended in a quarrel.

Cross-examined.—Witness believed it was Castles who said a double guard would be no use to the Prince Regent, as the soldiers would not fight. There were four persons entered the room in which witness and his friend were. He did not recollect there was any soldier in the room. Something was said about liveries by the youngest of the four. He said a livery was a badge of slavery. Witness has seen Castles since, and knows he was one of them. Thinks the elder Watson and Thistlewood were two of them. He afterwards went to Spa-fields Meeting by accident, where he saw Thistlewood, Castles, and the elder Watson.

John Dyal knew Watson the elder, Hooper, and Preston; he had seen Thistlewood, but had known Watson and Preston longest. He first became acquainted with them the latter end of October, or beginning of November. He was on one occasion at the Sun public house, in Slaughter-street, Spitalfields; he thinks on Monday, the 3d of November; there was to be a meeting there on that evening; when witness first went in the evening there were a few people there, and about ten minutes after Preston came in. There was some conversation respecting liquor, and witness said he had no money. Preston observed that was no consequence: a pint or two of beer was no object; he did not like to see a poor man in distress. The witness had some beer, and soon after Watson and his son came in, and shortly they proceeded to business. The object of the meeting was to petition Parliament for a reform. Preston said petitions had been sent so often, and so little attended to, that he thought it it was folly to petition Parliament. He acknowledged it was necessary, but still he thought it would not avail any thing. Watson the elder produced a paper, which he called a memorial; he read it to the meeting. Witness was nominated to the chair, and the younger Watson was appointed secretary. Attended at the same house again on the Thursday evening following, when there was another meeting. Witness was once at Greystoke-place. An advertisement had appeared in *The Independent Whig*, calling a meeting at Spa-fields, with the witness's name prefixed to it, as chairman, without the witness's knowledge; this made it necessary the witness should go to 9, Greystoke-place; he did so, and at Greystoke-place saw Thistlewood, who was dressed very much like a gentleman.

Cross-examined.—Was the man who was known at Brentford as the *green-coated orator*, very well known in Covent-garden and at other places, as an honest man, who always spoke his mind.—He was not in the habit of lending out his name; and it was with difficulty he was prevailed on to lend his name on this occasion; but at length, considering the meeting as one held for a constitutional purpose, he would not disappoint it, although he thought and told Mr. Preston that they might have chosen a chairman of more respectability to gloss over their meeting.

Thomas Meakins was at the public-house in Slaughter-street, on Monday, the 4th of November; Mr. Preston and Mr. Thistlewood were there, as well as the elder and the younger Watson. Dr. Watson read a memorial, and meetings were appointed at five different houses. Witness went to the meeting on the Thursday following, at the Carlisle Arms; Preston, Watson, and Thistlewood, were there also. Thistlewood paid 11s. 6d. of the reckoning there, and a person, who the witness understood was young Watson, made up the rest.

John Sheffield kept the Carlisle Arms in November last. Witness proved that a meeting was held at his house on the 7th of November, and that a person paid him the reckoning with a 10l. note, on the back of which he wrote the name of Thistlewood, Southampton-buildings.

William Smith was at the Sun, in Slaughter-street, on Monday, the 4th of November, when a person named Dyal took the chair. Witness proved that the elder Watson was at the meeting, and at that of November the 7th. Witness afterwards saw men about the streets with placards on their backs, calling the Meeting in Spa-fields. Witness saw three or four of them at the Carlisle Arms; Mr. Preston was with them; they received their instructions from him, and he paid them.

Robert Emery keeps the Union, in Union-street, Shoreditch. On one occasion there were 30 or 40 people at his house, but he did not know it was a meeting. A person, who said his name was Watson, paid the reckoning. Witness would not know him again if he was to see him.

James Skinner knows the elder Watson; he first saw him at the Nag's Head, Carnaby-market, in the month of October; witness walked with Watson and Castles into King-street, Portman-street, and through to Hyde-Park. When they came to the barracks they stopped, but witness walked on; they talked on various subjects, but nothing particular. They asked witness one question, which he considered as a very foolish one, namely, whether he could ride. There was a dispute between Castles and Watson about the entrance into the barracks, but witness did not attend to it.

Thomas Osborne knows Castles; met him a few days before the first Spa-fields Meeting. Castles asked witness if he was out of work; witness said he was. Castles told him he would get him something to do, and desired he would get as many more as he could to come with him. A few days after, on the Monday following, Castles, and a man whom he now knew to be Thistlewood, came to the Constitution, at Paddington, and Thistlewood gave them some beer. On the following day, several of them came to the Carlisle, when they each of them had a bill fastened on his back, which they took into the street; they were afterwards paid for their trouble.

Thomas Wood was landlord of the house, No. 9, Greystoke-place. About three weeks before Michaelmas-day, he let his house to Dr. Watson. He was first to pay the rent by the week

up to Michaelmas, when he was to take it by the quarter, at a rent of 34*l.* a year. Witness often passed the house afterwards, but never went into it. Watson requested the witness would put him up an inner door, which he did. A surgeon lived in the house before, and had such a door, which formed a kind of lobby. Witness, however, *did not do it, and to his knowledge it was not done.* He often passed that way, but saw no appearance of business of any kind being carried on there; never saw it shut up in the middle of the day.

Mary Ebdon had the care of a house belonging to Mr. Cosser, in Seymour-place, in November last. Seymour-street is about a quarter of a mile distant from Portman-street barracks, and the same distance from King-street: recollects referring some persons to Mr. Cosser, in Milbank-street, about the house.

Mr. Cosser is a timber-merchant in Milbank-street; recollected a young man, named James Watson, coming to him in November last, and stating that he wished to take the house in Seymour-place, which had a shop attached to it. Witness asked for a reference. Watson gave a reference to a Mr. Thistlewood, in Southampton-buildings, Chancery-lane. Witness went according to the reference, where he saw a gentleman, who he supposed was Mr. Thistlewood. In reply to witness's inquiries respecting Mr. Watson, Thistlewood said he was a most respectable young man, that his father was a farmer of property, and that he (Thistlewood) would be answerable for him in any thing. [The witness was desired to look at Thistlewood, but, on doing so, he said the different style of dress rendered it impossible for him to speak positively to his person.] Young Watson afterwards called again, but the witness then declined letting him the house. Allowing for the difference of dress, witness, to the best of his judgment, believed Thistlewood was the man he saw at Southampton-buildings.

Margaret Maria Folkes lived servant with Mrs. Corbold, in Southampton-buildings, Chancery-lane. Thistlewood was a lodger in the house; he came about a week after the witness went to live there in September last. She knew his person well.—[Witness then pointed the prisoner Thistlewood out.]—Mrs. Thistlewood and a little boy about ten years of age were with him. A young man named Watson used frequently to call on Thistlewood; an elderly gentleman, Dr. Watson, used also frequently to call; she knew Dr. Watson; she was ill, and he prescribed for her. She was obliged to quit her place on account of ill health on the 20th of November last.

Eleanor Corbold keeps the house in Southampton-buildings where Thistlewood lodged. Witness identified Thistlewood, who left her house on the 2d of December; on the day preceding two persons of the name of Evans dined with him.—He went out early on the 2d of December, and witness never saw him after, though she understood he returned for a short time in the evening; he did not sleep there. Mrs. Thistlewood and

her child remained till next evening, when they also quitted the lodging.

Barbara Smeed, the landlady of the Brazen Head public house, Upper Lisson-street, near Paddington, which house is much frequented by navigators, persons working on the canal, recollects some gentlemen coming in and treating the navigators; they left some bills on the table, but witness could not tell what the bills were about, or could she swear to the persons of the men who treated the navigators. They were the persons who left the bills.

Isaac Bentley is a blacksmith, at No. 26, Hart-street, Covent-garden; he lived there in November last; worked in a kitchen. Witness knows Castles; he did not know him till November, when he came and requested leave to make a pattern. Witness made one himself, but did not finish it: Castles filed it up, and took it away, and witness did not see it afterwards. In about an hour Castles came back, and desired witness to make about 50, saying they were to put upon a fence for a rabbit-warren. Witness afterwards made 240 in all. Castles paid 10s. in advance, and witness finished them against the 9th of November, Lord Mayor's day. Castles and another came for them, and took them away in two nail-bags. Witness was paid for them before they were taken away.—[The pikes were shewn to the witness, who said they were the pikes he made.]

Cross-examined.—The witness's charge was near 5*l.*; they took no receipt. There were common spikes used for the tops of railing. When he ordered the first parcel, Mr. Harrison was with Castles. Those now produced had not been filed up. Castles handled the file very well, but witness did not see him touch the hammer. Witness never made any spikes for fencing before.

William Winkfield keeps a public-house at the corner of Leg-alley: recollected Bentley and two other persons whom he did not know coming to his house in November last: did not know either of the other persons.

Thomas Cox was in the employ of Parkes and Co., ironmongers, in Greek-street, Soho, in November last; recollects a person's coming one morning and purchasing two nail-bags.

Cross-examined.—It was an usual thing to sell old nail-bags to any person who applied for them.

The examination of this witness concluded this (the fourth) day's proceedings, and at half past six the Court adjourned till nine o'clock to-morrow morning.

FIFTH DAY.

William Tull was in an office in the Tower: he was principal Clerk of Works in the Ordnance Department. He had been there 12 years. Knew the Tower, and all parts of it. The paper produced was a rough-hand sketch of some parts of the Tower. It was done to no scale whatever.

Cross-examined.—Witness was nothing of an antiquary.

There would be no difficulty in making such a plan as that produced. He had seen a regular plan of the Tower; but never saw a plan published by the Antiquarian Society. Never saw a plan with all the bastions, &c. which might be bought for a shilling. The plan which he produced was a plan of the Tower.

Mr. *Wetherell* stated his intention to prove, by the plan produced, that a good plan of the Tower might be purchased for a shilling or eighteen-pence in any print-shop in London.

Lord ELLENBOROUGH said, the Counsel could not examine the witness as to the accuracy of such a plan, as it would facilitate the means of invading the Tower, which no good subject would wish to do.

William Thompson lived in 101, Fetter-lane, at the corner of Greystoke-place, and knew No. 9. His father was ground landlord of that house. It consisted of two rooms on a floor—a front room and a back one. The back rooms were lighted from a sky-light on the landing-place from the top of the house. Mr. Wood held the house under his father. His father held the key. He did not know Mr. Watson the elder. There had been a great many applications for the hiring of the house.

Mary Kinneresley, in the month of November last, lived at No. 1, Dean-street, Fetter-lane. Mr. Watson the elder took lodgings at her house on the Wednesday before the first Spa-field meeting. He was not seen there by her after Monday night, the day of the riots; on that day he left. He took the lodging for himself and his son. They took a parlour, which was parlour and sleeping-room both. The bed was generally made towards the evening. It was made every day. They had each keys. The street-door was kept upon the latch. They could get in as they pleased without interfering with her. On the Sunday before Mr. Watson went away, when she took in dinner, there were several persons in the room. She thought she had seen some of the persons who were there in the course of the week. She thought she knew Mr. Hooper. She could not swear that the gentleman standing up was Mr. Hooper. She thought he was at dinner; and in the course of the week preceding she remembered Mr. Thistlewood, who was altered in his dress since she saw him, but she thought he was the same gentleman. He had been dressed in light grey pantaloons, a dark green or blue coat, and white neckcloth. When the persons came to the house, she had seen pens and ink on the table, but had not noticed what was there particularly. By her being away from that part of the house they might be out often, and she might not see them. About nine o'clock on the morning of the 2d of December they went out. About candle-light the elder Watson returned. When he came, he asked if they had seen his son. They told him they had not. He said his son had got the keys of the parlour, and he could not get in. Her husband gave Mr. Watson a key, and she supposed he got in; but after that he went out, and she saw him no more till the

present moment. He said nothing on that night of any intention he had of leaving his lodging. There were some great coats in the room, but on the 3d she did not see them. Some small articles were kept in their possession. A young woman brought one of the keys on the Tuesday to get in, but her husband took it from her, and she went and brought her father, Mr. Preston. She had never seen young Watson after the day of the riots.

Examined by Mr. Justice ABBOT.—She had three keys to the room in question. She went into it in their absence on Monday evening.

John Gilling belonged to the third regiment of foot-guards. He had been quartered at the City of Norwich Arms, near Mark-lane, in New Norfolk-street. He got acquainted with Castles, who treated him and his companions with beer. His companions were some footmen out of place. There was a gentleman with him once, and he was there as well as he remembered three times. The gentleman wore what one of his companions called a French great-coat. Castles told witness that the gentleman had been a Lieutenant, and had lately come from France. Witness was talking about Paris, as he had been there a little time before. He had been just reduced from being serjeant, and he told them why. One of them said, It is a pity they should reduce men for mere trifles. The gentleman began to talk about the French army, and said that promotion went on faster in that than in the English. He did not go out of the door with those persons, but, as he was going out, they turned the corner, and he joined them. Castles wished to know where he would be the following day, and said he would come to give him something to drink. That was said in the hearing of the gentleman. This was a very little time before the riots, for Castles was talking about the Spa-fields meeting a short time before it had taken place. He told Castles he thought he would be on the King's guard; but, if either of the gentlemen would give his address, he would send them word where he was if he was not there. Castles would not give his address, but said, if witness was not on the King's guard, he would inquire and find him out.

Cross-examined.—He had been at the battle of Waterloo. He had not been reduced, but had resigned his situation. The conversation was at the Norwich public-house, and that was about half a mile from Knightsbridge, where his regiment was stationed. He had a scarlet jacket on in the public-house, and it was common to go to public-houses without their uniforms. He had been twice before in Castles's company. Castles said he was born at his town, at Knaresborough, in Yorkshire. He drank with him, for it was not common for soldiers to refuse any thing. There was a good deal of chat with the young men, but his attention was more directed to the beer and balls than to any thing else. They were playing at what they called balls. He told Castles he had been reduced before,

the last time he met him. He had never seen the gentleman after the time he mentioned. Castles came down once to the theatre to him when he was on duty.

Re-examined.—He had enough upon his person when he saw the gentleman and Castles to shew that he was a soldier. He had been reduced about a woman.

James Brown was a soldier in the Coldstream regiment. Knew the Stone Kitchen public-house. He could not swear to the person of Hooper, but he had seen him before. He saw one very much like him from three to five days before the riots. That person came down and asked him to go up stairs, and have something to drink. Witness said he wanted nothing to drink, but went up stairs. The person took some ribands from the crown of his hat—from the inside of the crown of his hat. He could not speak to the colours of those ribands. The person asked if they had ever seen such a thing as that before. It was addressed generally to the soldiers in the room. That person also asked if they would not like to have a big loaf, and said very few soldiers did not feel the distress of times as well as others. There was more said. The person said the times would never be better till there was a fresh set altogether. He did not recollect any thing more. Several soldiers were in the room at that time. He was that night in regimentals. Witness paid for some spirits he had had; but he paid for no beer, though he had been there. He did not think he had ever seen the person he had mentioned before.

Cross-examined.—He had not been in the house in question more than ten minutes or a quarter of an hour. There was a good deal of general talking, but, to the best of his recollection, no whispering.

Examined by Lord ELLENBOROUGH.—The Spa-fields meeting was never mentioned, that he could hear.

William Harris, a soldier, had been in the Tower, in November. He remembered being at the Stone Kitchen, perhaps a week, or not so much, before the riots. He remembered two persons coming in and calling for beer. The first prisoner (Hooper) was one of the people. There were different soldiers in the room besides himself at that time. The gentleman (not Hooper) talked to them. There was half-a-gallon of beer called for, which the soldiers and the gentleman drank. There were some papers dropped by one of the two gentlemen upon the table; he who dropped them said, "Hand these about to your comrades after we are gone." They asked the soldiers if they would like a big loaf. Some of them said they would. They asked what they would do if the mob were to come to the Tower. The soldiers said they would do their duty. They asked if they would like to go out of the regiment. Some soldiers replied, "We should be starved to death if we were to do that." The gentlemen said, "No, no, you will not." That was all he heard in the room.

Cross-examined.—The conversation was general. They (the

soldiers) were not afraid of a mob if they should be attacked by them. What passed made no impression. If any thing of consequence had passed, they should have told their Commanding Officer of it. He went home and told his company, but they did not notice what he said.

Examined by Mr. Justice BAYLEY.—What was said was loud enough to be heard by all the company.

Examined by Lord ELLENBOROUGH.—He did not think there was any harm in what had been said.

Charles Naylor had been in the Coldstream Guards in November last. He was in the Tower shortly before the riots. He had been at the Golden Chain before the riots. He went in one day, and two gentlemen came in, and called for a pot of porter. Hooper was one of the persons who came in. Witness drank the porter. The persons rolled up some hand-bills, and put them into his hand sily, telling him to look at them after they were gone. The taller man put the bills into his hand. They said, if they would be ruled by them, they would make them gentlemen in a very short time. Nothing more passed that he could recollect. As he could not read, he gave the bills to his comrades. A man of the name of Buchanan read the bills in the mess-kitchen. He read them to the other soldiers in the mess-kitchen.

Cross-examined.—He did not pay any attention to the bills; they made no impression upon him. There was often a mixed company in the place. It was not uncommon to treat soldiers; though it was very seldom they saw such friends as the gentlemen in question.

Cross-examined by a Jurymen.—The tall man said what he had mentioned about their being gentlemen when he gave him the bills.

George Buchanan was a soldier in the Coldstream Guards. Remembered Naylor bringing him a printed bill, which he was desirous to read. He was in the mess-kitchen, and read it aloud. He could recollect part of the bill. There were a dozen or fourteen soldiers present. The bill mentioned that there were so many millions in a starving condition in the country. It mentioned that they were in the same state in Ireland; and were as ready to rise, and hoped they would do the same in England. He did not remember any thing about a meeting.

Cross-examined.—The bill mentioned that their Brethren in Ireland were ready to rise, and hoped they would be the same in England.

Naylor called again.—Had destroyed the bill he got from the gentleman after it was returned to him.

James Chappel lived in Long-Acre, and kept a public-house, which was frequented by the soldiers who attended at the theatres. At the time when hand-bills were up in the streets, two persons came to his house. He did not know them. They treated the soldiers with beer, but he did not know who they were.

Mr. Wetherell submitted, that as the witness did not know who the persons were, there was no need to go further in the evidence.

Witness said he did not believe any of the persons now in custody, and at the bar, were either of the persons he saw at the time he mentioned.

WILLIAM HILLIER kept the Tower-tap. Several iron-workers were accustomed to attend his house. He remembered Preston and Castle coming to his house. Some printed bills had been brought to his house. Preston and Castle were sometimes in the house whilst the men were there. Preston and Castle, and some other men, five or six in the whole, were there once and went out altogether. About the meeting, one of them said, "You will be there." The man replied, they certainly should. Castle used always to come to his house at the dinner-hour of those men.

RICHARD STATHAM was in the Coldstream guards, and had been in the Tower in November and December. Remembered the riots in the Minories. Shortly before that day, remembered some persons coming to the stone-kitchen. There were two persons in company. He thought Hooper was one of the persons. The person with him was a tall man. There might be ten, or eleven, or twelve soldiers present when they were there. One of the gentlemen took a pot of beer and drank "success to a big loaf." They gave six or seven pots. He might have been sitting at the tea-table about half-an-hour, and before they went away, one of the gentlemen came to him and called him countryman. That was the person who was not present. At parting, the Yorkshireman said he had two or three places to go to, and should perhaps see him on Sunday. He thought the Yorkshireman gave the toast about the big loaf.

WILLIAM MORTIMER, of the Coldstream, corroborated what had been said by former witnesses about what had passed in the stone-kitchen. The young man (Hooper) gave a shilling to Statham to pay for some beer.

Cross-examined.—He remembered the Yorkshireman. He was certain that the young man gave the shilling.

THOMAS ROBERTSON belonged to the Coldstream, and was in the Tower in November. He had been in the stone-kitchen on a Sunday night, when the two gentlemen were there: as they were going down stairs one of them took a bunch of ribbands and held them up, and said he hoped they would all wear the same as them to-morrow. He thought it was the shortest man that did that, but he had no particular recollection about it.

Mr. Gurney.—"My lord, I have reason to believe that the shorter man is not here."

Witness proceeded.—The soldiers were confined in the Tower two days, on account of the Spa-fields meetings.

W. DUKE, lived in a place called the New-cut. The New-cut was between the Blackfriars-road and Westminster-bridge. He had a number of carriages and things of that kind for sale. Before one Spa-fields meeting, he remembered two persons calling at his place. One was a tall man and the other a short man. They asked, at first, if he had got a stage to sell. He had one which had been a mountebank stage, which opened about eighteen feet long. He asked 10*l.* for it. They hesitated, and then they said they wanted to hire the stage to go to Spa-fields, where there was a meeting. He would not let it out to them. He came to no agreement about the stage.

W. WARE remembered the Spa-fields meeting in December. Castle applied to him, and wanted him to recommend him where he could borrow a waggon. He said Mr. Windermude would lend him one.

Mr. WINDERMUDE lived in the Horse-ferry-road. A person applied to him on Monday, the 30th of November. That was Castle. Castle said Mr. Hunt wanted a waggon. Government offered to build him a hustings, but he would do with a waggon. Hooper came with the person another time. They sent to him to the sign of the Ship. He was directed to take the waggon to the top of Chancery-lane, Holborn way. Castle, he believed, had put up a bill in the Ship, but it had been pulled down again. Castle had a quantity of ribband. He gave him a bit, and he gave the servant about a yard and a half. They asked him to have his horses dressed with these ribbands, but he refused it. The next morning he and his boys went with the waggon to the top of Chancery-lane. Hooper and Castle came to him, and told him to wait till he came back. After that, Castle and Hooper brought something wrapped up in blankets, and a handkerchief. Hooper rode in the waggon all the way to Spa-fields. Two gentlemen had asked if the waggon was going to Spa-fields, and told his boy, who was with it, to follow them there. He took his horses out when the waggon arrived at Spa-fields. Castle had given him 10*s.* earnest, and gave him 2*l.* on the Sunday morning. He was to have 13*s.* more. When he asked for his money, some person made answer, if it was 500*l.* he should be paid. The moment he got out of the waggon, it was filled directly. The things wrapped up were flags. A number of speeches were made, but he heard nothing but the last words of the last speaker, "follow me." They all got out and the mob followed them. He found in the waggon a piece of cloth, and something like an old glove. Some bullets and some slugs were found, and some powder, in a tin can.

He was not sure, but he thought that Castle put the bullets into the waggon, as well as he could remember.

Cross-examined.—There was a great deal of noise when the speakers were going on. The bullets were found in a worsted glove.

THOMAS JOHN YEOMANS was son-in-law to Windermude. He got to Spa-fields after the mob was gone. He opened the handkerchief, and found the bullets and powder as they had been mentioned.

THOMAS GILMORE produced the slugs and balls which he had got at Windermude's. There was about a pound of powder.

ANNE HAYES, examined by Mr. Gurney.—Was servant at the Ship public-house, in the Horseferry-road; received a tri-coloured ribband from Castle.

THOMAS STACEY, examined by Mr. Richardson.—Lives in Queen-street, Camden Town, and keeps a shop in Charlotte-street, Portland place; remembers Castles buying some sabres; remembers the Spa-fields meeting; it was not a week before the Spa-fields meeting that Castle took away a sabre and a dirk.

GEORGE FLINT, examined by Mr. Richardson.—Is a pawnbroker, 89, Edgeware-road; remembers selling pistols to a man named Castle; he sold him one pair, and took the money for two pair; the first time Castle bargained with witness's servant; the second time Castle took the first pair of pistols; he gave 18s. for them; something had been paid before, but he completed the purchase before he fetched them away; Castle then bargained for the second pair, and paid part of the purchase-money; the rest was paid on Sunday morning, although it was contrary to his usual practice; witness let him have the pistols on the Sunday; they were bargained for on the Saturday, which was the 30th of November.

One of the jury asked what was the purpose for which Castle stated he wanted the pistols?—Witness said, that Castle represented himself as a Bow-street patrol, and that he, and the other patrols, had been ordered by the magistrates to provide themselves with arms.

WILLIAM MILLS, examined by Mr. Richardson.—Was foreman to Mr. Parker, the gunsmith; sold the pistols produced to a young man who gave his name as Watson, of Hyde-street; the same person came again on the same day, and bought two more pistols; one of the pistols produced, and by which Mr. Platt had been shot, was one of them; the pistol which Miall, the patrol, found upon the elder Watson was another of the pistols.

The Attorney-general then rose, and declared that the case on the part of the Crown was concluded.

At half-past twelve Mr. WETHERELL rose to comment upon the evidence which had been given on the part of the Crown.

Mr. Wetherell.—“ May it please your lordships, and gentlemen of the jury:—We are now arrived, gentlemen, at the close of the case on the part of the Crown, on a trial under an indictment for high-treason, of the most extraordinary description ever carried on in this country, and I hope never to see another trial of the same kind. The state of facts, and the analogy composing the information, have been run out to a length unexampled, and for the record there is no precedent in the crown-office of his majesty. It is not upon any clear act, but upon a volume of small facts, laboriously wrought—illegally wrought, that a case of constructive treason is attempted to be made out which ought not to have been put upon any file of his majesty’s records. The Attorney-general, indeed, seemed to think that all these things need not have been introduced, as the matter against the prisoner was not so much in words as virtually and in substance. The prisoner, gentlemen, is accused of four distinct treasons. He is accused of compassing and imagining the death of the king: There can be no sort of doubt that this is a treason. It consists in assassinating and murdering the king, or in the attempt to do so. The second treason is against the constitution, namely, that of compassing and imagining to depose the king. This is certainly to harm the person of the king. The third is levying war against the king; and the fourth is comprising to levy war against the king, in order by force and constraint to force him to change his measures of government. These several treasons are imputed to these unhappy men. But before I introduce any arguments to this particular case, I shall refer to a remark made by one of the most learned judges that ever graced the British bench. I mean Mr. Justice Foster. The maxims laid down by that learned judge have never been questioned, and in his preface he recommends his book to be read, not, as he states, from any idea of vanity as an author, but from a sense of piety. The work indeed merits the attention of every man living, and the learned judge says, that this is a subject which no conduct ought to tempt any reasonable man to conclude that it does not concern him. If, gentlemen, you will recollect what the crown witnesses have stated—if you will call to mind what has been said by a man of the name of Castle: if you will consider what has been done in the course of the trial, you will be convinced that no man is safe, and that no man can be too circumspect. Every man must defend himself with a circumvallation of care, and thus protect himself against any character alive to suspicion, or who should by any possibility become an accusing witness against him. It was evident that in this case Castle

country. They had no plan whatever, unless, indeed, the skeleton in the paper produced can be said to be one. In the year 1795 an actual plan had been digested to subvert the existing government, and to substitute a republic. This plan was upheld by Jacobinism, and men from various motives joined in it, with the hope of effecting an amelioration in their circumstances. At that time in France there were no less than 44,000 societies corresponding with each other for a general purpose. In England they were not so numerous, but still there were not less than 300,000 persons who were connected together, and who daily corresponded with each other; and such was their organization, and the rapidity with which communications were conveyed, that, in the course of a single post, they would have been enabled to rise simultaneously—to rise in a mass to overturn and diminish the government of the country. But would it not, gentlemen, be a waste of time to enter minutely into the plot imputed to the present prisoners—a plot supposed to be formed and conducted by two broken-down apothecaries, a broken down gentleman, and two cobblers: these five solitary individuals were to oppose the whole world. Is it not then, gentlemen, a waste of time to argue upon such a project to overturn the existing government; without any plan for its demolition, without any thing to substitute in lieu? The very possibility of such a thing must be refuted by a mere dry statement of facts. The Attorney-general has alluded to the Spenceans, and my learned friend (the Solicitor-general,) has asked a question with regard to the Spenceans, and their first connexion with this miserable plot; and, although no less than 230 witnesses had been summoned, there was not one man belonging to that society had been called upon. Such an allusion then should never have been made. Why was not the connexion of these people with the Spencean Committees proved? Why was it not shown that the system was the same as that acted upon in 1795? Those oblique insinuations should have been avoided, as the statement of them had nothing whatever to do with the case, and ought not therefore to have been made at all. Here then was a conspiracy unconnected, unsupported, and unassisted.” [The Attorney-general here observed, that he had not alluded to the Spenceans in the way imputed to him.]—“If you advert, gentlemen, to the statement made by the Attorney-general, I allow he had not said that the Spenceans were to assist. But I have a right to assume it as a question. If I mention the names of the persons called upon to attend the Spa-fields meeting, there is not a single man amongst them connected with those societies which can be added to the list of conspirators, except two cobblers and a journeyman tailor, against whom a bill was not found. The state was to be overturned, but without substituting any

thing in place of it, and there is no mention as to what was to be overthrown. So much, gentlemen, for the treason under the first, second, and fourth counts, and you are now to turn your minds to the third; and I am ready to admit, that if such a case can be made out, the treason imputed can be said to compass the death of the king. In the trial for high-treason, at a former period, the persons were in active correspondence with Jacobins in France. But after the year 1795, the meetings which were then held were abolished, and, by act of Parliament, it was made penal to assemble. At that time there was a body of men possessed of the means to accomplish their object, with a domestic organised plan, aided by a power hostile to all existing governments; which power, by a decree of the 29th of November, 1791, proclaimed sedition to every country in Europe, and promised assistance to every people against their rulers. But in this plot of five persons, the only one to prove it was a companion urged forward by the views of blood-money, a man who had made a trade and a constant pursuit of blood. Castle was not to suffer for the treason; although if any one had committed an act of treason it was himself. Gentlemen, the charge is levying war to compass the death of the king, and I must shortly call your attention to the language. It is not merely levying war, but levying it against the king. It is not the mere levying of forces, but applying those forces against the king. 'If any man levy war against our lord the king,' are the words of Lord Hale. There are two component parts, and the question is, what is levying war against the king; and I beg leave to add, gentlemen, that this is a question of fact belonging to the cognizance and jurisdiction of a jury, and must depend upon the circumstances of the case, and upon a full view of any circumstances composing the case. What is levying war? It is raising a force, and every thing which belongs to a force. All these are matters of fact, and the law does not lay down what that force shall consist of. I shall read to you a high authority, that of my Lord Hale, which shews that the levying of war is a matter of fact. He also states what shall be deemed the levying of war, such as being arrayed in a hostile manner, &c. But there is no rule of law to determine what shall be war, as the facts must vary with each case, and under what circumstance the force is levied. It is not then the force which constitutes levying war against the king. Gentlemen, it has been generally laid down, that it need not be a force directed against the person of the king. This I am ready to admit. There may be a constructive levying of war, such as some power being taken out of the hands of the state. There have been cases made out which I do not at all dispute. Destroying meeting-houses is levying

country. They had no plan whatever, unless, indeed, the skeleton in the paper produced can be said to be one. In the year 1795 an actual plan had been digested to subvert the existing government, and to substitute a republic. This plan was upheld by Jacobinism, and men from various motives joined in it, with the hope of effecting an amelioration in their circumstances. At that time in France there were no less than 44,000 societies corresponding with each other for a general purpose. In England they were not so numerous, but still there were not less than 300,000 persons who were connected together, and who daily corresponded with each other; and such was their organization, and the rapidity with which communications were conveyed, that, in the course of a single post, they would have been enabled to rise simultaneously—to rise in a mass to overturn and diminish the government of the country. But would it not, gentlemen, be a waste of time to enter minutely into the plot imputed to the present prisoners—a plot supposed to be formed and conducted by two broken-down apothecaries, a broken down gentleman, and two cobblers: these five solitary individuals were to oppose the whole world. Is it not then, gentlemen, a waste of time to argue upon such a project to overturn the existing government; without any plan for its demolition, without any thing to substitute in lieu? The very possibility of such a thing must be refuted by a mere dry statement of facts. The Attorney-general has alluded to the Spenceans, and my learned friend (the Solicitor-general,) has asked a question with regard to the Spenceans, and their first connexion with this miserable plot; and, although no less than 230 witnesses had been summoned, there was not one man belonging to that society had been called upon. Such an allusion then should never have been made. Why was not the connexion of these people with the Spencean Committees proved? Why was it not shown that the system was the same as that acted upon in 1795? Those oblique insinuations should have been avoided, as the statement of them had nothing whatever to do with the case, and ought not therefore to have been made at all. Here then was a conspiracy unconnected, unsupported, and unassisted.” [The Attorney-general here observed, that he had not alluded to the Spenceans in the way imputed to him.]—“If you advert, gentlemen, to the statement made by the Attorney-general, I allow he had not said that the Spenceans were to assist. But I have a right to assume it as a question. If I mention the names of the persons called upon to attend the Spa-fields meeting, there is not a single man amongst them connected with those societies which can be added to the list of conspirators, except two cobblers and a journeyman tailor, against whom a bill was not found. The state was to be overturned, but without substituting any

thing in place of it, and there is no mention as to what was to be overthrown. So much, gentlemen, for the treason under the first, second, and fourth counts, and you are now to turn your minds to the third; and I am ready to admit, that if such a case can be made out, the treason imputed can be said to compass the death of the king. In the trial for high-treason, at a former period, the persons were in active correspondence with Jacobin France. But after the year 1795, the meetings which were then held were abolished, and, by act of Parliament, it was made penal to assemble. At that time there was a body of men possessed of the means to accomplish their object, with a domestic organised plan, aided by a power hostile to all existing governments; which power, by a decree of the 29th of November, 1791, proclaimed sedition to every country in Europe, and promised assistance to every people against their rulers. But in this plot of five persons, the only one to prove it was a companion urged forward by the views of blood-money, a man who had made a trade and a constant pursuit of blood. Castle was not to suffer for the treason; although if any one had committed an act of treason it was himself. Gentlemen, the charge is levying war to compass the death of the king, and I must shortly call your attention to the language. It is not merely levying war, but levying it against the king. It is not the mere levying of forces, but applying those forces against the king. 'If any man levy war against our lord the king,' are the words of Lord Hale. There are two component parts, and the question is, what is levying war against the king; and I beg leave to add, gentlemen, that this is a question of fact belonging to the cognizance and jurisdiction of a jury, and must depend upon the circumstances of the case, and upon a full view of any circumstances composing the case. What is levying war? It is raising a force, and every thing which belongs to a force. All these are matters of fact, and the law does not lay down what that force shall consist of. I shall read to you a high authority, that of my Lord Hale, which shews that the levying of war is a matter of fact. He also states what shall be deemed the levying of war, such as being arrayed in a hostile manner, &c. But there is no rule of law to determine what shall be war, as the facts must vary with each case, and under what circumstance the force is levied. It is not then the force which constitutes levying war against the king. Gentlemen, it has been generally laid down, that it need not be a force directed against the person of the king. This I am ready to admit. There may be a constructive levying of war, such as some power being taken out of the hands of the state. There have been cases made out which I do not at all dispute. Destroying meeting-houses is levying

war against the king. This was declared to be the case in the time of Queen Anne. It is also levying war against the king to compel the government to surrender up one of its laws, such as that by which religious toleration was allowed: A combination to throw down all enclosures, and to maintain that there was no such thing as private property, or to compel the king to make peace, or to go to war, at a particular time. These are deemed to be levying war by construction, though not by fact. There are two kinds of levying war. In the reign of Henry VIII. when my Lord Coke was attorney-general, to overthrow all the enclosures, and to destroy all the brothels in London, and many cases of the same description, were all deemed to be levying war, as was the release of all prisoners. In 1709 a force was levied to overthrow all the meeting-houses in London, and it was carried into effect; To levy war, it must be actually carried into effect; and it was held, that when carried into effect it was a constructive war against the crown. I feel perfectly aware of my duty to the prisoners, but no consideration of that kind should induce me to contend for that which the law does not allow me to contend for. In the case of Lord George Gordon, the jury decided that the fact had not been made out, and the charge against Lord George Gordon was that of levying war against the crown. It is direct war against the person of the crown; and constructive war against the majority of the crown: Upon this rule of law is the question of life and death, as regards these unhappy men. Having admitted the cause, let us look at the effect of the cause. If it be constructive treason for men to meet to burn down meeting-houses—if it be constructive treason to throw down enclosures—if it be constructive treason to open gaols—if it be constructive treason to destroy brothels—if it be constructive treason to do all this, as well as to insist that there shall be no system of toleration laws—that the course of law shall not be heard—that things shall not be judged by British law, but that whoever commits any of these offences shall be punished—when clothing themselves with the spoils of jurisdiction—when people are ready to stake their life is a crime. What, then, have these men done? Have they demanded peace or war? Have they required that any act of parliament shall be repealed? Have they demanded that any law shall be abolished? Have they clothed themselves in the spoils of jurisdiction? What have they done in the cases mentioned? Castle has not stated that they had any particular object: What then were they to do? Six men, by means of a popular disturbance, were to obtain complete possession of the government. But for what? To surrender it, perhaps, into the hands of fifteen persons named in a paper. Castle:

did not state that they had any views. No man could collect what their plan was. What sort of violence had they done? The Attorney-general had denominated their proceedings a flagrant civil war—that was his expression. But were there any proof of an intention to subvert the law, to demolish the state, or to destroy the king's person? After the evidence which had been heard in the course of the trial, did it appear, on the slightest view, to be worthy attention? If it was a civil war, it was bloodless; a veil was thrown over it, and it was soon most completely dissipated and dispersed. It was more to be treated ludicrously than met with gravity. Let us look at the means as proportionate to the effect. They had three flags and six pistols. Two of these flags, out of three, were seized by Mr. Stafford and a police-officer, and by those two was the progress for a while arrested. Some of them advanced, and Sir James Shaw, without civil force, and without military force, put them to flight, and seized the third standard. How comes it, then, that for his services in quelling this flagrant civil war, Sir J. Shaw had, neither a peerage nor a pension? Not even a red ribband. If all this were true, did not Sir James deserve some mark of favour? Was it nothing, without assistance, to suppress completely a civil war against the state, and to seize, unaided, the last general and his standard? I am ready to admit, that, in the case of Benstead, in the reign of Charles I. that the course pursued was illegal, when the archbishop was required, in his palace of Lambeth, to advise the king to dissolve the parliament, but I am indifferent whether it be law or not. For have these men been to the house of any cabinet minister? Did they even seek the Lord-mayor? To reason as if they had would be a waste and consumption of time. I am surprised the Lord-mayor was not called at all, it was a civil war in the city. Was the Bank of England taken? The outrages were committed within the jurisdiction of the Lord-mayor, and partly within his view. Why, then, was he not called upon to state what he saw of this struggle, force, and violence? Or were the circumstances too ludicrous to call upon the Lord-mayor to prove them. It is upon the record, that they had attempted to take the Tower of London, and that a war had been levied against some fortress of the king, which was a proof and evidence of levying war against the king. But can it be for a moment supposed that there was any intention of taking the Tower of London, by a man going to the Tower, and, with a loud voice, summoning the Tower to surrender? He called upon the king's garrison to surrender! And this was the evidence of a flagrant civil war, when part of those engaged in it were dispersed by two people in Spa-fields, and the rest fainting in

the arms of Sir James Shaw, and when all their forces were completely annihilated, with a loud voice they summoned a complete military fortress, provided with cannon, with a wall thirty feet high. It is the raving of folly, and too contemptible to be addressed to the understanding of any one. The address was to two soldiers, not to the garrison, and they were not proved to have surrendered. This was said to be in the view of 100 of the garrison, while the insurgent force consisted of—one. The two soldiers were not the best evidence of this fact, for we had Mr. Castle's, and I much doubt the possibility of even seeing fifty men at one time. It seems, however, that they did not summon, but offered rewards to the soldier. During all this affray, there was no constable had a broken head, no violence nor disrespect was shewn to any magistrate. There was no magistrate maimed, nor any magistrate hurt? It was a war of words perhaps. But the evidence of Mr. Dowling remains unconfirmed, and he is the only person who has proved any instance of disrespect. The other witnesses, who were nearer than Mr. Dowling, could not hear, and it appeared that he himself stood in a situation in which he was not likely to hear. But admitting that such expressions were said, is that levying war? What is it then! Nothing!! Did they take the Bank? No! The Tower? No! Did they hurt the Lord-mayor? No! Did they hurt Sir N. Conant? No! Did they hurt any of the King's soldiers? No! No—they did not even hurt the meanest constable in his majesty's dominions!—If Benstead's case be doubtful law, what is this? I am not blind to the case of Mr. Platt, to which I will do justice by and by.—Here was a riot and a tumult, but there was no war against the king. If there was war at all it was against the atmosphere. I have been accused of treating the business with levity, but it would be insulting, gentlemen, to the solidity of your understanding to discuss it seriously and gravely. Malignant murder was not the object, it was the involuntary act of a stripling to free himself from the grasp of a powerful person. There was no more intention of committing murder than there was of levying war against the king; and war was neither levied against the king, nor against the lowest or meanest representative of his sacred person. All that was done was the breaking open of some gunsmiths' shops, and some arms taken from them. I acknowledge the outrage to be a scandalous one; but the getting hold of arms was not sufficient to constitute the levying of war. When arms were got, it was necessary to apply them. If 500 men, with pikes and muskets in their hands, paraded the streets, there was no treason unless they used them, not only in levying war, but in levying war against the king. In this instance it was not only the means to be considered, but the end; and on these points I call upon Mr.

Solicitor-general, in his reply, to produce some case in which a personal outrage is considered to be levying war against the crown. My lord Coke says, that it must not be implied, but that it must be proveably and by open deed. But what do all these men, unless it be inferred by conjecture that that they meant by all this to overturn the state? Is there any evidence of such a thing?—Can treason be inferred, under the act of Edward III.? The act must be direct, manifest, and capable of proof. What were they to do?—What does Mr. Castle say that they intended to do? It is not war to threaten such a thing, but it may be war to do it. Gentlemen, I shall not take up much more of your time on these points, but shall shortly proceed to the other matters. In the reign of Henry VIII. it was treason to compel a rise in wages. In the reign of Charles II. throwing down inclosures, destroying brothels, opening prisons, were declared to be levying war against the king. In the reign of Charles I. it was treason to compel the House of Commons to make a change of measures. In 1709, to propose to burn meetings, joined with their being actually burnt, was declared to be levying war against the king. But in this case, there is nothing of the catalogue mentioned. The prosecutors of the crown have found that they cannot prove the weaker case, and therefore endeavour to prove the stronger case; and as there is no evidence to prove any thing, they cut the matter short, and infer every thing. The record is a mass of confusion, and the arguments which have been adduced are not much better. A complete distinction exists between the rules of riot and treason. Outrage, riot, tumult, and disturbance, are all in a different scale of delinquency from treason. Riot has no specific object. Treason must be to overturn the king. By the 3d and 4th of Edward VI. it was treason for twelve people to meet to alter any law on the first time of meeting, unless they dispersed within the hour. This was the model of 2 Geo. I. called the Riot Act. Hale (vol. 1. p. 29.) says, that the 3d and 4th of Edward VI. raised riots to treason, and that 1 Mary created them felonies within benefit of clergy: upon which that great lawyer observes, how careful we should be not to introduce constructive treason, and not to extend the statute of Edward III. That law, annulled by the death of Mary, Queen Elizabeth revived, using a very remarkable word in the title—An Act against unlawful and *rebellious* assemblies. But yet, though *rebellious*, and in the reign of Queen Elizabeth, they were not subjected to the law of treason. With her again it died, and was not revived till George I. when a strong party-feeling existing in the nation, passed the Riot Act, in the preamble of which are the words,

"Whereas divers *rebellious* meetings endangering his Majesty's Government, &c." He would stake all his credit as a lawyer, upon the doctrine here contended for, and confidently say, no lawyer would differ from him. This act made riots felonies without benefit of clergy, and this is the law at this day. If, then, this be law, riot cannot be prosecuted as treason. If riot ought to be considered treason, be it so: but enact the law manfully and constitutionally. He cited an illustration—the riot in Birmingham, where meeting-houses were burnt, eight or ten houses were destroyed, with all their furniture; Dr. Priestley, a most learned man, was driven from his home and country. There was one feature in this case strongly resembling the case of 1709; a man of very great eminence and very great science, and known to be in opposition to government, was the special object of it. Dr. Parr, that eminent scholar, was obliged to send his valuable classical library, for protection, to the college, of which he (the learned counsel) was then a student, because that great man was in opposition to government: yet Sir John Scott, the soundest of lawyers, and the best of men, instituted no prosecution for high-treason in this church-and-king riot. He therefore implored the jury, while they felt any British pulsations in their veins, and while they possessed the straightforward undeviating rectitude of British understanding, not to be led astray by the arguments of the attorney-general, to consider riot and treason one and the same. (Mr. Attorney-general interrupted, that the argument was not used by him.) He does not use it in terms, but it is virtually and substantially his argument. In motive, malignity, means, or community of object, this case had no resemblance even to treason, and he again challenged contradiction, when he said, that no attorney-general ever attempted to raise such a charge of treason on such a foundation. There were riots in England of a much more extensive, dangerous, and even of a seditious nature, where no attempt of the kind was made. He begged leave to read particularly an account of one in the first year of George I. when a strong party-feeling existed, and another claimant of the sovereignty, in opposition to the family who then began, and he hoped would for many generations, and for ever, continue to reign in this country, had many adherents in the nation:—"Those who celebrated the anniversary of the king's birth, with the usual marks of joy and festivity, were insulted by the populace; but, next day, which was the anniversary of the restoration, the whole city—the whole city was lighted up with bonfires and illuminations, and echoed with the sound of mirth and tumultuous rejoicing. The people even obliged the life-guards, who patrolled through the streets, to join the cry of 'High-church and Ormond!'"

and in Smithfield they burned the picture of King William." (Smollett's Hist. ch. 1. Geo. I.) This was most marked with rebellious circumstances. The burning of William's picture was an actual declaration of disaffection to the king, who reigned by the same title. Yet no charge of treason was originated, though Cowper was chancellor, Sir Joseph Jekyll was secretary-of-state, and Mr. Northy was attorney-general. Again, therefore, he would assert, that such a riot as that of the 2d of December, was never pretended to be treason. Sir William Blackstone was another authority upon this point, for he explicitly says, that the riot-act was intended "to support the act of settlement." Not only are undefinable elements of disturbance thus subjected to the riot-act, but even the attacks upon the king's settlement. Other authorities he might quote in abundance, for he could not look into a book without finding confirmation of his views of the subject. It is inadmissible, and absurd reasoning, to punish inceptive and elementary proceedings as if they had been ripened and completed acts. If riot were not put down, it might become treason; but must it, therefore, be punished as treason? It may by and by be a civil war—it may endanger the life of the king—the semen, germ, or root, may produce its fruits; but possibility is not the object of punishment. You must not find Monday Saturday. Riot and treason are totally different in their commencement and conclusion. Where again, then, was the commencement of the treason? The view given was not his; it was the invariable incontrovertible law of England. It was not an advocate's ingenious plea he maintained; he had no new theory to advance or support. He had read his authorities. He would still refer to Mr. Reeve's History of the Riot Acts, and to Lord Ackland's Treatise. That eminent lawyer—first the ornament of the bar, afterwards one of the ablest diplomatists—states, that the act of Edward VI. is the model of the riot-act, and consequently applies to all riots, however seditious and rebellious. He did not say whether the law was good or bad; but if not good, let it be constitutionally corrected. Let not the verdict of a jury be legislative, or the decisions of a court of justice acts of parliament. If a beginning be once made, it is impossible to calculate the consequence of such a violation of the most sacred principles. To-morrow we may find treason without shop-breaking; next day without a brace of pistols; the third day without a flag. There is no limit to potentiality, no correction of undefined latitudes. While, therefore, you have the power of resisting such a sweeping evil: while yet you are there as a jury, uncontrolled by a single precedent to the purpose of the present prosecution;

as you regard the privileges of your birth, as you value the vital fluid that circulates in your veins, resist the admission of a principle so palpably illegal, and so daringly mischievous. He addressed a jury who knew the history and practice of their country. He recollected the circumstances of the riot respecting the corn-bill, three years since. It was directed against members of parliament, as such; the houses of many of the ministers and guardians of the crown were assailed and broken; at the door of Mr. Robinson's house, a man was killed, and Mr. Robinson was a counsellor: yet no treason started up in this riot. The lord-chancellor was attacked, and behaved with characteristic magnanimity, but recommended no prosecutions for treason. He adjured them, in the sacred name of truth, therefore, not to bring such a scandal and reproach upon the country, as that one class of rioters should be punished as traitors, while another were treated as rioters. Acts respecting treason were not the offspring of a day, they were the result of much wisdom and experience: let them not, therefore, batter down this consolidated wall of defence; let them not remove the great and essential distinction between treason and riot. If the state of the country required new laws, let new laws be made—but not by a jury. The dangers of 1795 introduced new laws; if the dangers of the present day require it, let them have a similar remedy; but let not acts of parliament be passed in courts of justice. He was not aware, when a retainer was given him in this, of the burden to be imposed upon him. He now found that the case at issue really was, whether riots can, by means of a jury, be brought under the statutes for high-treason. Would any person tell him that a certain set of riotous acts, or acts of disturbance, upon the property of individuals, amounted to evidence of an intention to raise a civil war against the government of the country? He staked his credit as a lawyer, he pledged his knowledge as an historian, he declared his sincere understanding upon a full review of the law of treason, that this offence, as charged in the indictment, did not amount to the offence of treason. What the consequences might be of amalgamating criminal offences were obvious, or even shades of difference might be drawn, he left to the jury: but he begged to remind them, that in our criminal jurisprudence, as it stood at present, the shades of criminality were nicely marked and pointed out. The crime of murder was distinguished with the nicest accuracy from the subordinate offence of manslaughter, and a barrier thus established between all clergyable and unclergyable felonies. The whole system of our criminal jurisprudence was one of classification and distinguishment; and the question now was, whether a jury, assembled on such an occasion, would confound all distinctions in this particular branch of law? He felt himself jus-

tified in asserting, that a case of treason had never before been attempted to be established on such grounds. He could assure the jury, that the last month had been employed by him in a way not congenial to his usual pursuits, in a laborious investigation of the law upon this subject: he might appear tedious, but if he was so, it was because he regarded it as a question new and extraordinary; it was because an assiduous inquiry into the subject had, as he hoped, given him some clear and legitimate views upon its real merits. The Attorney-general of the present day was attempting what none of his predecessors had attempted; and, recollecting the allusions he already made, he would now refer only to precedents of a modern date. Previously to that reference, but with a view to its application, it might be important to remind the jury, that Watson had been already indicted for a misdemeanour; he had been even tried for a felony; and it was now a matter of consideration, whether what was a riot at Hicks's-hall, and a felony at the Old Bailey, would be exalted into high-treason in the Court of King's Bench. To what a distressing alternative must not the jury find themselves reduced, when they found that they were called on to pronounce a man guilty—he alluded to Cashman, already executed; and if the prisoner was guilty of high-treason, that man was equally guilty upon the evidence, when they were informed that the crime for which Cashman was executed was not the crime upon which he received judgment, but the crime for which the prisoner now stood indicted. How must the jury feel when they learned, in the course of this trial, that Cashman was convicted of felony, whilst, by the present indictment, and the whole course of the evidence, his offence, if any, was that of treason.

Chief-justice Ellenborough observed, that there might have been committed a detached felony within the interval of prosecuting a design common to many.

The Attorney-general felt that the observations of the learned counsel tended to throw an odium upon him, against which he had no regular means of defending himself.

Mr. Wetherell continued.—He had no means of knowing the precise date of the knowledge acquired by government, and upon which they founded this prosecution. It was plain, however, that all their information, with regard to their two former prosecutions, had been collected within the period of a fortnight; that within that period of discovery, every secret was supposed to be laid open, and every danger to be detected. But, let it be remarked, that Castle had not yet made his appearance; he was a new character in the piece; and before he referred more minutely to his evidence, he would submit it to a jury of Englishmen, whether they would suffer the character of British judicature to be so disgraced; whether they would go so far as to hold out an encouragement to the traders in blood, as to admit this man's disability in a case of life? Would they, he asked, who were

the guardians of the purity and integrity of the law, to whose final discretion were entrusted the lives of their fellow-subjects, forget those feelings which had never yet been forgotten by British juries, and which, whilst British blood flowed through British veins, never could be forgotten, or Britain would be no more? Would they do all this under a law as yet doubtful, upon no other ground than the evidence of that indescribable villain Castle? He was willing that the life of the unhappy man near him should depend on the evidence taken in the wholesale, as it stood, fully compared with and contrasted with other evidence. According to his testimony, then, it appeared that two distinct plans of treason had been devised, one of which had been abandoned as impracticable, and which was to have been executed on the 13th of November. This, it appeared, was abandoned, because the west end of the town was unprepared, and little delay was judged expedient, to try whether the east end was in a riper state. It would be unnecessary to remark on the absurdity of such a story, were it not that still greater absurdities remain behind. Mr. Watson, the prisoner, being, as the witness Castle has shown, a man of better education and more scientific profession than the others, was described by him as the person who undertook to prepare the medicaments which were to kill whole barracks full of soldiers by stench. By the same credible account, the streets were to have been blockaded with palisades stolen from gentlemen's premises: and the horses disengaged from the hackney-coaches to which they belonged were to constitute a rebel cavalry. Now, with regard to Mr. Cossar's explanation as to the house in Seymour-street, and the confirmation it was supposed to give to that part of Castle's evidence, he would ask, whether it was an improbable supposition, that a young man twenty years of age should have been led into the contemplation of such a scheme by the representations of a bawdy-house bully, in which character Castle had confessed he had set out in life? He was happy to see, by the flickering on the lips of the jury, that they smiled in imagination, whilst he took the trouble to discuss this villain's evidence. Many of the circumstances stated by this man might or might not be true, he had only to deal with such as were material to the present issue. He asserted then, distinctly, that the whole design of burning the barracks stood upon the testimony of Castle, supported in no other single way than that Mr. Cossar deposed to an application for a house, of which he was the owner, situated in the neighbourhood of a particular set of barracks. This was all the proof before the jury of that purpose charged against the prisoner of an intention to stifle the king's troops by chymical preparations. He might here advert to a circumstance mentioned by another witness, who was brought to connect the elder Watson with this extraordinary design. That witness did not go far; but he went so far as to mention, that a dis-

pute took place between Castle and the elder Watson whilst they examined certain barracks, the witness not overhearing it; and what more probable, considering the character of Castle, than that the dispute proceeded from Mr. Watson's pointing out to him the wickedness and absurdity of the project? But not contented with the extravagant invention and ridiculous gasconade attending the first conspiracy, as related by Castle, his learned friend Mr. Gurney had conducted his witness [he would not say led him] into a description of an intended very general plan of operations. It was, indeed, a most curious plan, combining every geographical and territorial consideration, and containing a regular distribution of force, headed by five sound and one lame general. The most material defect in the plan seemed to him to be, that the conspirators, in devising to take the Tower, and remaining in possession of it, forgot the river Thames, and the possibility that their possession might be disturbed from that quarter. When he reflected seriously on these things, he could not help feeling amazement at this prosecution, and amazement for the accidental expression of which he had been already rebuked by his learned friend, Mr. Gurney. He could assure the jury, that when he had held up his hands under the impression of that amazement, it was because his natural love of truth, that love infused by God into the heart of man, was shocked; and because he felt that truth itself was blasphemed by the testimony of such a witness. It might be possible, although he would admit nothing, that there might have been a disposition to tumult amongst the persons at the bar; but if the first plan of their operations, as stated in evidence, and magnified into treason, was disproved and incredible in fact, how could they possibly believe the same evidence in support of a second treasonable arrangement by the same persons? If there was no truth in one story, was it not a necessary inference, in such a case, that there was no truth in the other? No evidence, not even in Castle himself, shewed any designs entertained or attempted against the Bank: and it was curious to observe that, during all the proceedings in Spa-fields, on the 2d of December,—he meant for the greater part of the morning—Castle was absent, and appeared only in particular places. The contradictions in his evidence were endless, and he should presently notice one or two very important circumstances. The jury, he had no doubt, knew well that *ex hypothesi* Mr. Castle was not a credible witness; his testimony was worth nothing, unless supported and confirmed by the clearest and most unobjectionable proof. Looking then at Mr. Castle, he found his character so involved in and composed of infamy, that he might almost run through the alphabet and find for it a double alliteration of crime. Under the letter B there was bawdy-house keeping and

bigamy; and here he was reminded that his wife had been sent out of the way for no purpose which was explained, although she was the person most capable of supporting his testimony, as far as a knowledge of circumstances was concerned. If he moved on through his alphabetical progress to the letter F. he found forgery and felony; and to pursue that course of observation no farther, he found him engaged in a real treason, by assisting in the escape of French officers, and endeavouring to gain a dishonorable subsistence in that scandalous traffic. He had begun his life, by his own confession, as a bully of a bawdy-house, and now lived upon blood-money—now subsisted upon those wages which were to be the remuneration of his evidence on this occasion. Had he not proved that he stood in the witness's box in a dress purchased by the crown? Had not the witness admitted that Mr. Stafford, of Bow-street, had furnished him with the clothes in which he appeared, as the incipient price of his present testimony?

Lord Ellenborough thought this was not a correct representation of the fact admitted in evidence.

Mr. Wetherell said, he only alluded to it as an inference of fact which it was for the jury to determine.

The Attorney-general declared, that he would not sit still and hear the corrupt motives imputed to him; motives which he defied any man to affix to any part of his conduct through the whole course of his life.

Mr. Wetherell agreed with the Attorney-general, and imputed to him no such motives: but he had a right to assert facts; and what he did assert was, that until Castle was found out, there was no intention on the part of the law-officers of the crown to exalt a mere riot and misdemeanour into the transcendental scale of treason. Till that discovery, he insisted upon it, the offence committed was regarded merely as a riot. Since the period of the revolution, then, no question of so sacred a nature had been submitted to a British jury. He had bestowed a month's painful and laborious investigation upon this subject, which was not within the scope of his ordinary professional pursuits; and all his assiduity, in endeavouring to ascertain the true definition of the statutes of treason, only served to make him the more nervous, when he reflected that he stood there as counsel for the whole people of England, against a new interpretation of the law to be made use of for political purposes.

Lord Ellenborough thought it right to remark, that he had never before heard in Court such large imputations upon individuals.

Mr. Wetherell said, he had no intention of reflecting on any individual.

Judge Abbott remarked, that it was useless to disclaim an intention to do what there was a perseverance in doing.

The Attorney-general could regard the observation of Mr. Wetherell in no other light than as ascribing to him the worst and wickedest of motives.

Judge Bayley said, the imputation went even farther, and might apply to those who should hereafter be called upon to give judgment on the present trial.

Mr. Wetherell, with submission, differed from the last observation: none of his remarks were drawn *de persona*, and the law-officers of the crown, he apprehended, were too hasty on this occasion. He had been about to refer to a clause in the statute of treason of 1795, in order to show that that statute gave the crown an election to proceed against a party either capitally or for an inferior offence, and bound the crown not to proceed in both forms.

This construction of the clause, which was read by Mr. Justice Abbott, as the election of proceeding, was immediately over-ruled.

Mr. Wetherell resumed.—He might be wrong, but he knew, at least, that he was not singular in the construction which he had put upon the clause in question: he might be mistaken in his legal argument, but he must again say, that he meant no personal reflections on the gentlemen opposed to him in this cause. To return, therefore, to his former argument, it appeared to him that the ultimate question was, whether, upon the evidence of Castle, the prisoner could be convicted of any treason within the reason of the statute of Edward III. or within the pale of the other statutes explaining and amending it. His conviction was, that it was not; and this conviction would be supported by his honorable friend, Mr. Serjeant Copley, with whom he had the honor to be associated. This opinion he had supported, and would support, with the free agency of an independent gentleman, and the boldness of a British advocate. He would maintain the same opinion in all places; and, if any malignant man should assert that he had denied the supremacy of the state, or the due attributes of government, he would confront that malignity by an appeal to the uniform and unvaried tenor of his life. He was no defender of riots, no admirer of tumult, no candidate for popular applause: he had no inclination to take from the crown any of its prerogatives; neither did he wish to see the subject deprived of any legal rights. He was for holding the scales even, for giving to Cæsar what was due to Cæsar, and no more. He had applied much labour on this occasion: he had before him all the cases which he regarded as the best authorities, and upon which his principal proposition was founded; and he challenged and provoked the citation of authorities on the

other side. He called for the production of a single case in which any English judge had held that an undefined riot could amount to a constructive treason. No Attorney-general of the last century had made such an attempt, though he begged to say, that he would take the law from no Attorney-general. Every treason must be proved by open deed; it could not be made to consist in acts with respect to which the agents could not, or did not, give a satisfactory explanation. The statute of William rendered it necessary that the treason should be manifested by overt-acts, and positive allegations appearing on the record. He recollected the language of Sir John Scott, the Attorney-general, in the case of Hardy; and he was sorry that no such principle had been premised by the present Attorney-general, that every act charged in proof upon an indictment for so high a crime must be supported by formal and convincing evidence. The Attorney-general, it was true, disclaimed every attempt to raise a constructive or accumulative treason, but he was at a loss how to regard the present charge in any other than the latter light. The whole offence was variously composed, and was made up in its component parts of a little, and a very little, speaking at the Tower; a little noise, and a little flag, together with a few guns fired in the air. Such an offence, if treason, must be an accumulative treason, however disagreeable the phrase appeared to be to the Attorney-general. He must protest equally against what was called parity of treason; and would take the liberty to remind the jury, that there might be moral delinquencies equal in the eyes of God, but that it did not follow that that was treason which was, morally speaking, as bad as treason. The crime of treason did not consist in the extent of positive mischief done or contemplated; and he would wish for no better definition of it than was laid down in the case of Lord George Gordon. Upon that trial, although London had been burning in fourteen different places; although the ravages of the rioters had produced the most calamitous occurrences; although the insurgent force had been formed into regular array, carrying with it terrible and frightful awe; yet a British jury acquitted that unfortunate gentleman, however morally guilty, because they could not find in his conduct the evidence of a design to raise a civil war. Treason enough had been committed; but the jury of that day knew how to distinguish between cause and effect, between accident and design, between the transactions of one day and the transactions of another. The duration of treason was certainly not essential to its existence: but if any treason had been committed in this case, it would have no other date than the jumping down of young Watson from the waggon; for every other fact was a fact of previous notoriety. The meeting was advertised at which the treason was to be

performed, all the police was present, the Tower was shut, and a party of dragoons posted in Gray's-inn-lane. He would shew, by Mr. Hunt's evidence, and he must say that it was Mr. Hunt's speech that had done all the mischief, what was the extent of Castle's infamy, and how narrowly he had himself escaped from being dragged by that wretch into this conspiracy. The jury well knew that there was an epidemic soreness, a propensity to riot, amongst the lower orders at present, rising from a want of subsistence, and a privation of comforts, which, if felt, would render other classes uneasy also; but, however, it was to be lamented that the connexion between the employers and the employed was shaken, and that a disposition to tumult should therefore exist. He must deny that there was, at present, any such conflict of principle, or any such question at issue, between the government and the populace, as existed in Lord George Gordon's case, and was created by Sir G. Seville's act. He denied that the existing propensity to acts of riot or disorder had, for its object, any direct attack upon the state; that it was at all of a political nature; and would venture to assert, that there was, in reality, no quarrel whatever between the government and the subject. He regretted his own want of method and distribution, and was here under the necessity of referring to the spikes, or pike-heads, as they were called, which were found in the lodgings of young Watson. The young man, it appeared, had left these lodgings a fortnight before the 2d of December, which was represented to be the day on which they were to be used. It turned out that they were common railing spikes, for which no handles had ever been prepared, which were ordered by Castle, the witness, who was by trade a smith; and which had been placed in Watson's lodgings as a depository, most probably with an intention connected with this prosecution, or as a matter of convenience to Castle in his occupation as a smith. Why had not Harrison, who was to have proved the order for preparing handles to these spikes, been called as a witness for the crown? The whole weight of evidence was made to rest on the statements of that infamous villain Castle; a wretch, who never on any occasion, or in any place, was not a liar; and who, on this occasion, was employed not only in support of a constructive and interpretative treason, but of a constructive and interpretative pike. The only spike actually prepared for any possible mischievous purpose, was filed and sharpened by Castle himself, unaccompanied by any of the prisoners. This indescribable villain, who had been bred a journeyman smith, but who, by his own confession, had done little or nothing in that way for the last fourteen years, seemed of late to have aspired to what he probably thought a more genteel employment—the trading in and merchandizing in blood.—

He told the maker of them that he wanted them for a rabbit-warren; was there any thing improbable in supposing that he told Watson the same thing? In any view of the case, it was strange that the authors of a civil war should leave their weapons and instruments of war behind them. He regretted that he should have occupied so much of the indulgent attention of the jury; but he had felt it his duty, on this occasion, to state propositions of law, from which he would not recede, and by which he was ready to stand or fall, with respect to whatever credit his industry might have gained him in Westminster-hall. Tumult was tumult, and outrage was outrage; but the only question here was, whether any violence was intended against the crown; whether any means were taken for the purpose of compelling his majesty to change any law, or to do any other act under the terror of an insurgent force. The principle he now maintained, he would maintain with resolution and confidence; and, before it could be controverted, the Riot Act must be obliterated, as well as the act of Elizabeth, directly applied to what is called "rebellious riots." These statutes created a broad distinction between treason and tumultuary assembling in a hostile attitude, and with a degree of force. The jury had a solemn duty to perform, in resisting the present attempt. If it was necessary, from the state of the times, to alter the law, let it be done by the proper authorities, let it be left to the discretion of the legislature. All the overt-acts, independently of the mere riot, were proved by Castle only, who had attempted, as would be shown by Mr. Hunt himself, to entrap him on more than one occasion, and who had probably not put down the name of Sir F. Burdett in his paper, entitled C. P. S. without some design, had the honorable baronet attended any of the public meetings to which he was invited. Upon the testimony of such a wretch he would not put any creature into the stocks; and would a British jury condemn to the gallows the unfortunate man behind him, when, by his death, the consequences he had described would most surely follow? He proposed to call evidence in support of those assertions which he had made, and which were not founded on the testimony of the witnesses for the crown; and his learned friend, Mr. Serjeant Copley, would then enter upon a fuller review of it. He should conclude with repeating, that their verdict was to determine, whether the law of the land, as between the crown and the subject, should remain in its present state, or whether, upon the pretence of a constructive and interpretative levying of war, a capricious and tyrannical principle of jurisprudence should be introduced, utterly incompatible with the free spirit of the constitution.

Mr. Wetherell finished at half-past five o'clock, and it was considered by the Court too late to call the evidence on the part of the defence.

SIXTH DAY.

SATURDAY, 14th JUNE, 1817.

Trial of James Watson, the elder, continued.

The evidence, on behalf of the prisoner, was this day commenced. The first witness was

HENRY HUNT, (*examined by Mr. Wetherell.*)

Lives at Middleton-cottage, in Hampshire, was not subpoenaed by the crown, although he expected it—has been subpoenaed by the prisoners—was at the first Spa-fields meeting 15th November, and made a speech, but not such as was reported in the Times and other newspapers. An adjournment was first proposed some day after the meeting of parliament. There was an alteration proposed by the younger Watson. Recollects that the elder Watson endeavoured to prevail upon his son not to propose a meeting so soon, as he thought it too early. They were both standing side by side to him. This was at the window of the room in Merlin's-cave. The elder Watson had addressed the people, but witness did not recollect whether Watson the prisoner proposed any adjournment. There was a general cry for adjournment, and witness then proposed either the second day or the second week after the meeting of parliament, but does not recollect which. The younger Watson pressed to the window, but was kept back by the father, both by persuasion and force. Young Watson was sent forward to make the motion by some person in the back of the room, and both witness and the father endeavoured to dissuade him from making it. Dined the day of the meeting at Cooper's Hotel, in Bouverie-street. Believes his name is Robert Cooper. Knows a gentleman of the name of Bryant; has known him five or six years. Bryant had engaged to order dinner at Cooper's at five o'clock. Witness had private business with Bryant. Witness had neither invited nor expected any other person. On his return to Cooper's, witness found Mr. Bryant and his son, a little boy. Mr. Bryant had ordered three whittings and chops. The cloth was spread for them. Castle came into the room, before dinner. It was a private room. Several persons came with Castle. There were the two Watsons, Thistlewood, and a young man of the name of Clark, who presided at the meeting. Castle did not come by witness's invitation, nor did witness invite any person to come into the room. Witness was not surprised at seeing the Watsons and Thistlewood come into the room, it being customary at public meetings for those engaged to meet afterwards: but was surprised at seeing Castle, and remonstrated against it, giving them a hint that the dinner was ready. Did

not think he had ever seen Castle till he saw him that day with a flag in Spa-fields. When witness first observed Castle, he was unfurling a flag and fixing it on a pole. Did not think he again saw Castle till he came to Cooper's in the evening. One of the persons, he thinks Thistlewood, proposed that they should have some chops too. Witness and Bryant said, that the dinner was only provided for them, and more could not partake of it. A person, witness believed Castle, then rung the bell, and said, "we will order some beef-steaks." When the waiter came up they ordered fish and steaks to be added to the dinner. The cloth was laid, and they were soon seated. Did not think that Castle was the least in liquor. Castle was forward and officious, but not the least in liquor. Ten or a dozen sat down to dinner. There were several persons whom he did not know. The two Watsons and Thistlewood were there. Witness had seen them the day before, when they gave him their names. Castle sat down to table. The king's health was given by Mr. Bryant, who sat at the head of the table. Witness said, better not drink any toasts at all. But it passed round till it came to Castle. Castle then began, in a loud tone, "May the last of kings be strangled." Witness jumped up and stopped him, saying, no such language as that should be used in his company. Castle followed on by saying something about the guts of the last priest. This was apparently reprobated by the whole party, particularly by Bryant, witness, and the elder Watson. Upon this Mr. Castle made a sort of apology. Sometime afterwards Castle burst out, d—n me, the soldiers are our friends. Upon which witness said, pray Sir, what have we to do with soldiers here. Castle intimated, that he had had frequent conversation with them. Witness answered, "more fool you," or something to that purpose. On the same evening, upon one or two occasions, Watson expostulated with Castle upon his violence. Castle was the general spokesman for the evening, and stated a story, that he had been instrumental in taking two French prisoners out of the country; for which he had been imprisoned two years in Maidstone gaol. Witness said to Mr. Watson across the table, "pretty company you have introduced us to." Bryant added, "pretty society we are got into indeed," or words to that effect. Castle said, he had received 500*l.* for his share in this business, and he was to have 4 or 500*l.* for aiding the escape of another in Wales, but was disappointed. He was disappointed because he could not get the officer to ride on horseback. He had carried him a considerable distance in a cart, when he found it necessary to place him on horseback. He then said, "I had a d—d good mind to shoot him when I found him hesitate." He was then obliged to give him up. Bryant and witness then repre-

sented to Watson the necessity of their taking their friend away as soon as possible. The younger Watson, witness thinks, attempted to justify the aiding the escape of the Frenchmen. The elder Watson reproved them. Castle then produced the flag from under his coat with an exclamation, that it was his, and he would have his heart cut out before he would part with it. Witness said, pray Sir, who do you think would attempt to take this flag from you; let me see it. It was then spread out, and witness read the motto. Witness said he saw no harm, either in the flag or in the motto, and was surprised at his being so violent in keeping possession of it. Believes this was previous to the discourse about the French prisoners. Castle then produced some knots of ribbands of the same colours to the flag, and offered witness one. Witness refused, and said he had better give it to his sweetheart, or something of that sort. After the history of the French prisoners, witness said that one of them should go out of the room. Witness believed he should have endeavoured to have turned him out of the room, but Bryant said, "we had better not make a bustle." Witness then said, if Castle uttered one more sentence of that nature, one of them must leave the room. Castle then expressed a sort of contrition, and said no more. In a few minutes afterwards witness saw Castle rolled up sound asleep. At first, witness expressed pleasure that he was silent. Soon after, he saw one of his friends endeavouring to awake him, by shaking of him, upon which witness said, "for God's sake let that fellow alone." Some of the party then proposed going, when witness desired that the first that went would wake Castle, and take him off too. His friend endeavoured to awake him again, but without success, although considerable violence was used. Upon which witness got up to assist to wake him, and used no gentle means—for at that time witness was thoroughly convinced that the sleep was a sham, and saying, "this fellow shall go." Witness struck him a blow under the ribs, quite enough to have knocked any common man down, but it made not the least impression upon Castle, but he sat as still as if he had been dead. Witness gave up the attempt, and convinced that it was a sham sleep, he rang the bell, and ordered the bill. The bill was cast up by Bryant, and amounted to about five or six shillings a-head. No man in the room appeared the least intoxicated. Upon expostulating with the elder Watson about bringing Castle, Watson said he was a good fellow, and hoped witness would take no notice of him. Watson seemed to have great confidence in Castle. They then took the chair from under Castle, and he immediately was himself again. Attended the adjourned Spa-fields meeting on the 2d of December. The

meeting was to be precisely at one. Witness went along Cheapside in his way to the meeting. Witness observed a considerable crowd on each side. Castle came out of the crowd, and beckoned witness to stop the carriage to speak to him. Witness was driving slow. Castle came up, but witness did not recollect whether he beckoned him. Castle said, "for God's sake, how came you so much after your time to the meeting?" Witness looked to the clock; it wanted twenty minutes to one, and saw that he was in good time. Castle said that the meeting had been broken up these two hours; "we are going," said he, "to the Tower, which has been in our possession more than an hour, come along." Witness struck his horses, and exclaimed, d—d scoundrel, and went on. If Castle had not got speedily out of the way, one of the wheels would have knocked him down. Witness went on to Spa-fields, and found the greatest collection of people there he had ever beheld.

Cross-examined by the Attorney-general.

Does not recollect all the persons who were present at that meeting. Believed Hooper was there, but that Preston was not. Had reason to believe Preston was not there. Does not know how many persons were in the room at the Merlin's-cave. Bryant, himself, and Clarke were there. Did not know above eight or nine persons by name who were present. The dinner-party at Bouverie-street lasted about two hours and a half. They separated about eight o'clock. The adjourned meeting at Spa-fields was to take place at one o'clock, and did take place at one. Watson the elder knew that; and all the parties knew it. They must have heard it, as it was stated at the first meeting, at which time witness announced his intention of attending the meeting of the 2d of December, at one o'clock. That was generally understood by every one; and witness had reason to believe that the prisoners knew of his intention to attend the meeting; the assembly was immense. Witness was not alone in his tandem; he had his servant with him. Witness came from Wanstead, in Essex, on the morning of the 2d of December, and had come through Whitechapel. Went out of town to avoid communication with any human being.

Mr. WILLIAM BRYANT, an attorney, and formerly clerk of the papers in this Court, was next called, and examined by Mr. Serjeant Copley.—He confirmed Mr. Hunt's account of what had passed at the dinner in Bouverie-street, in every particular.

By the Jury.—Q. How was Castle dressed on that occasion—respectable and decently? A. Not very well dressed; I think rather otherwise; not in the way he is dressed now. I have not seen him from that time until Thursday last, when he was examined here.

By Lord Ellenborough.—Q. How came you to sit for two hours with a person who has been represented to behave so ill. A. There was a great mob round the house, and we were afraid that if we attempted to force him out it would be attended with danger.

Mr. JAMES WRIGHT was then examined, and produced a copy of a certificate of marriage, which he had compared with the original registry in the parish-church of St. Sepulchre.

Mr. Justice Bayley.—Must you not identify the parties named in that certificate? The certificate alone is not sufficient.

GEORGE PHILPOT was called for this purpose.

Chief-justice Ellenborough.—Q. Do you object to this evidence, Mr. Attorney-general?

The Attorney-general said, that if the evidence tendered was to be adduced for the purpose of contradicting any part of Castle's statement, he did not see how he could well resist it; but if it was offered as proof of an act of criminality in that person's conduct, he conceived that, upon general principles, such evidence was not admissible. All cases, whether civil or criminal, must be tried by the same rules of evidence. If the evidence offered was for the purpose of proving any particular offence, supposed to have been committed by the witness, Castle, he apprehended it was not admissible, unless the object was to contradict him, for otherwise it would be putting the witness upon his trial for offences alleged against him, to which he could have no opportunity of offering any defence.

Chief-justice Ellenborough requested Mr. Wetherell to repeat the words of Castle's evidence, with respect to which he proposed to offer proof to contradict him; for his lordship presumed that the object of the evidence offered was to contradict the witness.

Mr. Wetherell said, he did not produce this as evidence of contradiction, but for the purpose of shewing that the witness had been guilty of crimes—that he was guilty, not only of bigamy, but of perjury.

Justice Abbott.—When an objection is made to the course of evidence intended to be pursued, it is not usual for the counsel to do more than allude to the fact or point to which he proposes to call evidence. To state that the object is to prove a crime, is sufficient for the purpose of the argument, without going into particulars.

Mr. Wetherell.—Then, without going into the particulars of the evidence which I propose to adduce, I confidently submit that I am entitled to prove that this man Castle has been guilty of such crimes as totally disqualify him as a credible witness in a court of justice upon any question. I apprehend that the rules of evidence are not totally different from the rules of common sense. You are entitled, I take it, to prove

against any man such acts of criminality as shall render his testimony incredible.

Chief-justice Ellenborough.—Q. Do you propose offering in evidence the record of his conviction for the crimes you impute to him?

Mr. Wetherell.—The proposition I have submitted to your lordship, I take to be clear law.

Chief-justice Ellenborough.—Q. Then you do not offer in evidence any record of his conviction?

Mr. Wetherell said, that he was not in a condition to offer in evidence any record of conviction, but he submitted with confidence that he was entitled to offer general evidence of the witness's criminality. He admitted, to the Attorney-general, that if the object was to put the witness upon his trial, by such proof, it could not be admitted. It might happen that the witness had never been prosecuted for his crimes, or that he had received a pardon from the Crown; but that would not preclude the counsel for the prisoner from proving that such crimes had been committed, so as to disqualify the witness from being entitled to credit. The witness, in his cross-examination, admitted that he had been guilty of certain crimes, and it was competent for the counsel to prove accumulatively that he had been guilty of a great number of other crimes.

Chief-justice Ellenborough.—You have no right to assume that such crimes have been committed, unless you produce the record of the witness's conviction.

Mr. Wetherell.—I only put it, as an answer to the argument offered against the reception of such evidence without proof of legal conviction, that I have a right to prove by evidence accumulative guilt.

Chief-justice Ellenborough.—It will shorten the argument, if you will cite any instance where such evidence has been admitted.

Mr. Wetherell.—I think it is incumbent on the Attorney-general to cite an instance where the contrary has been held.

Chief-justice Ellenborough.—A witness may refuse to answer a question which tends to criminate himself; but if he does answer, you must abide by the answer he gives. That is a doctrine laid down by Mr. Justice Lawrence, and it has received the sanction of all the judges.

Mr. Wetherell said, he was aware of that decision; but he submitted, that where a man had committed crimes for which he had not been prosecuted, and where the law in that case was *functus officio*, it was competent for the counsel for the prisoner to get rid of the evidence of the witness, by proving him to have committed such offences, notwithstanding the quiescence of the law.

Chief-justice Ellenborough.—The contrary is clearly the case.

Mr. Wetherell.—I apprehend what I state is clearly the law.

Chief-justice Ellenborough.—Give us some case warranting your proposition.

Mr. Wetherell wished to have a case cited to the contrary. The learned counsel argued, with great emphasis, that which he contended for was the true rule of evidence, having never heard it disputed before.

Chief-justice Ellenborough.—If you have the record of the conviction we will receive it; but this is not a forum to try collateral crimes.

Serjeant Copley followed the same line of argument with Mr. Wetherell. He was not prepared with any case upon the subject, because he could not suppose that a rule of evidence founded upon such clear principles of right reason required any case to support it.

Chief-justice Ellenborough stopped the Attorney-general in his reply, and said, that the Court would be wanting in its duty if they were to require any reply to such an argument as had been offered by the prisoner's counsel. It was quite clear that this Court had no right to try collateral crimes alleged against a witness not upon his trial. The Court would receive general evidence, that the witness was not to be believed upon his oath, or they would admit the record of his conviction for any specific crimes of which he had been found guilty. But they could not receive evidence of particular crimes supposed to have been committed by him, without having an opportunity of defending himself. If the contrary rule were held, the jury might be called upon to try a witness for fifty different crimes, and it would be imposing upon them a duty which the constitution of courts of justice never intended. Without any case or precedent to sanction the argument relied upon, his lordship must enter his protest against this novel doctrine.

Justice Bayley perfectly concurred with the Lord Chief-justice in his opinion, and referred to Mr. Phillips's Treatise on the Law of Evidence, p. 212, for the following rules for the impeaching the credit of a witness: "1. The party against whom a witness was called, may disprove the facts stated by him, or may examine other witnesses, as to his general character; but they will not be allowed to speak to particular facts, or parts of his conduct; for, though every man is supposed to be capable of supporting the one, it is not likely that he should be prepared to answer the other without notice;" and even if he should happen to be prepared to defend himself, such evidence would generally afford a very slight and imperfect test of his credibility. The regular mode is to inquire whether they have the means of knowing the former witness's general

character, and whether from such knowledge they would believe him on his oath. In answer to such evidence against character, the other party may cross-examine the witnesses, as to their means of knowledge; or may attack their general character, and by fresh evidence support the character of his own witness. 2. The credit of a witness may be impeached by proof that he has made statements out of Court, on the same subject, contrary to what he swears on the trial."

Justice Abbott was clearly of opinion that this was evidence which ought not to be received; and if the Attorney-general had not objected to it, it would be the duty of the Court to have interposed to prevent its reception. The learned Judge referred to the last edition of Mr. Peak's book upon Evidence, p. 155, where it was laid down by Lord Chief-justice Treby, on the occasion of a trial at the Old Bailey, that no question could be put to a witness, the answer to which would bring him into discredit or disgrace him. His lordship also referred to a case decided by the late Chief-baron Thompson, in the Court of Exchequer, in which his lordship was of counsel, where the doctrine now laid down was recognised by that learned, upright, and humane judge.

Justice Holroyd also concurred with the rest of the Court, and said, that the principle now laid down was not at all new. His lordship alluded to the case of *Spencely q. t. v. De Willott*, 7 East's Rep. 108, where it was held that a witness cannot be cross-examined as to any collateral independent fact, irrelevant to the matter in issue, for the purpose of contradicting him, if his answer be one way, by another witness, in order to discredit the whole of his testimony.

GEORGE PHILPOT has known Castle since June 1811; and from the general character of that individual, he does not think him worthy of credit on oath.

JAMES LAWSON, of The Times Newspaper, has known Haywood, one of the witnesses, he may say from his infancy, and he considers him a person not to be believed at any time on oath.

WILLIAM HAYDEN gave similar evidence.

ROBERT CURTIS has known Haywood by the name of J. W. Haywood, and found him a man who seldom fulfilled his payments, and who was not a good dealer in business.

GEORGE SPURREL has known Haywood, who is a complete rogue, as witness will prove, if the Court see cause.

JOHN SCOTT, reporter of The Morning Advertiser, attended the second meeting at Spa-fields, and got sometimes near the waggon, but from the immense pressure, and his being pushed from place to place, he was unable to take a single note. Old Watson was speaking, and, as witness understood, was complaining of the conduct of the Prince.

SAMUEL STEERS, reporter in the Morning Herald office, was told by Mr. Dowling, that, in consequence of his connection with these prosecutions, he had been introduced into the home-department, and it had led to his employment as a shorthand writer to the value of 2 or 300*l*.

This closed the evidence of the prisoner, and at half-past twelve o'clock Mr. Serjeant Copley rose, and addressed the jury to the following effect:—He began by observing, that he spoke most unfeignedly, when he assured them, that words were inadequate to express his feelings on that interesting occasion. The cause which he was now called to advocate, was one of the most important, in every point of view, that had ever occurred in the jurisprudence of the country. It was particularly so to the unhappy man at the bar, affecting as it did his character as a man, and as a member of civil society. Aware of this, he owned that he felt the strongest apprehensions that his powers were incapable of doing justice to the cause, but he was animated when he contemplated the character of those whom he had now the honor to address. He was animated by considering that he addressed an English jury, selected from an independent class in society—an assembly of gentlemen, who, from the attention they had paid to the case, the vigilance they had exercised, and the penetration they had manifested, had shewn, to his satisfaction, that they were the very best tribunal that could have been constituted on this important occasion. Before he proceeded to make some observations on the body of evidence which had been laid before them, he was bound to put them on their guard against any impressions which they might formerly have had respecting the trial before they came to the Court. He was perfectly satisfied that they would come to the consideration of the evidence with unbiassed and cool minds: but when he reflected on the manner in which this cause had been agitated in the public press and elsewhere, he was called upon, in justice to his client, to implore them to dismiss every impression they might have formed respecting the state of the country at this truly momentous crisis. Their duty was to attend solely to the evidence, without any thing else. It was a matter of notoriety, that recently a report had been published by parliament, respecting the distressed and disaffected state of the country, which had been circulated in all the newspapers. It was equally a matter of notoriety that the suspension of that great bulwark of the constitution, the *habeas corpus*, was to be recommended in consequence of what was detailed in that report. He remembered, on the occasion of the State Trials, in the year 1794, that these trials were preceded by similar reports to that which had just been published, and he remembered how much the jury, on that

memorable occasion, had been cautioned at that time by the justly-celebrated counsel for the prisoners, to beware of allowing themselves to be biassed in any way by these reports. This appeal to the jury had not been in vain, for they delivered a verdict which, however much it might have been attacked by some at that time, had been, and ever would be, applauded by every friend of the country. If the jury on the present occasion had entertained any opinion formerly, respecting the misconduct of the prisoner, he implored them not to suffer that to operate on their judgements now. The law of England, and indeed of every free state, defined with accuracy and precision every crime, but it was particularly so with respect to the crime of high-treason. The necessity of this was obvious, from the severity of the punishment attached to the crime, from the circumstance of government being the prosecutors, and thus the prisoner having all the weight, and influence, and talent, which government could employ against him. The accused had therefore no other refuge left him than the precision and accuracy of the law in the case, and it became therefore indispensable that the law should be so plain in its enactments as to leave no room whatever for sophistry, argument, or display of wit; for, to use the words of Judge Blackstone, as "this was the highest crime, so it should be precisely ascertained what the law was." In support of his opinion, Blackstone had cited Montesquieu, who, be it remembered, lived in a foreign country, but he came as a philosopher to the question, and as a philosopher he defined it. The jury had already been referred, by his learned friend, to the statute of Edward III. and here he was bound to say, that before passing that act, almost every thing was adjudged treason which offended the king and his ministers. So absolutely necessary was this act deemed at the time it was enacted, that the legislature actually went out of their way, and enacted even the manner in which proof was to be adduced in support of the charge. The crime was to be "proveably" supported. On the word "proveable," Lord Coke had said, "the adverb proveably hath a great force, and signifieth a plain, direct proof, which word the Lords and Commons in Parliament deduce, for that the offence of treason was so heinous, and so heavily punished, as none other the like, and therefore the offence must be *proveably* attained; which words are as forcible as upon direct and manifest proof.—Note, the word is not probable, for then *commune argumentum* might have served, but the word is *proveably* be attained." Soon after the passing, however, of this truly-valuable act, a new series of treasours was introduced in the succeeding reign, which, however, was reprobated, and repealed by the statute of 1 Henry IV. He would now state some observations on the evidence which had

been adduced before them, both for and against the prisoner. The indictment, as they well knew, consisted of four treasons; and, as his learned friend, Mr. Wetherell, had very properly observed, was unexampled in the country. He had taken great pains to examine the charges, and he would ask, how were they to be made out by evidence? There were fourteen overt-acts, which were repeated verbatim in support of three of the charges, while the other charge was, in truth, neither more nor less than a summary of these acts. One naturally asked, what could be the object of the crown-officers in doing so? What could be their design in bringing forward such a variety of charges? The answer was obvious, for the Attorney-general had called them to infer the first charge, viz. the compassing of the king's death; but he thought, "O, perhaps, they might not do this, and it will be better to have a second count, viz. the compassing and imagining to depose the king," and therefore he had made a second count. The same, in fact, might be said of all the four, and those who drew out this record have shewn clearly, that they were not confident of one of the charges, for they have wished to spread their net so wide, that, by some means or another, they might, if possible, catch a verdict. Excepting, on this ground, he was utterly at a loss to see why all these charges had been put on the record, and for what possible designs. As the levying war appeared to be the chief charge (he ought rather to have said the sole charge), he felt himself called upon to say something upon it. The jury all lived in London, and had, therefore, the fullest opportunity of knowing what had taken place. They had, from the publicity given to these proceedings, every facility of knowing every fact; and he, therefore, asked them, if it was possible they could consider the whole as levying war? He put the question to them as men of common understanding and common sense; and he asked, whether one man could be found who would gravely say, he believed that war was intended? Almost every fact was known to the Law Officers of the Crown, soon after they had happened. They had read the speeches delivered on the occasion, copies of these speeches being delivered to them by Mr. Dowling, the short-hand writer. They were fully acquainted with all the proceedings in Spa-fields, the Royal Exchange, and other parts of the city. All this being known, what was their conduct? How did they proceed in consequence of this discovery? Did they then shew that their opinions were, that it was levying of war? Quite the reverse. Well, to what was all this owing? Did it arise from the negligence and inattention of the law-officers to their duty? That could not be the cause; for he spoke sincerely when he said, that no persons could discharge their duty

with more fidelity and integrity than the persons who at that time were his majesty's law-officers. The obvious undoubted conclusion of the whole was, that they did not, in the slightest degree, consider the transaction as a levying of war, or they certainly would never have instituted two prosecutions for felony and misdemeanour. But now, at the end of four months, they came forward, and gravely said, it was levying war. In considering the evidence which had been adduced, he implored them to do what? To dismiss from their minds the testimony of Castle? No. He implored them to let it make a deep impression on them, as his evidence stamped on this a character which he should not now name. What was the conclusion that must be drawn from all those cases? A war, whether directly levied, or constructively levied, against the king, must have some precise and definite object. If it be levied in order to open all inclosures, to pull down and destroy all meeting-houses, to compel the repeal or enactment of a particular law, then it becomes treason; but there were none of those specific objects in the present case. The issue which the jury had to try was, whether there was a levying of war for the direct purpose of overturning the government. If they were satisfied there existed a previous conspiracy for that object, then they would pronounce the prisoner guilty; if not, they would say the case was not made out, and pronounce a verdict of acquittal. Now, what were the facts of the case? A meeting was held on the 15th of November, which adjourned to the 2d of December. Every possible publicity was given to that adjournment; hand-bills were distributed, and others stuck upon the walls of the metropolis, announcing it; and therefore those persons, who were accused of levying war to subvert the government, must be supposed to have given the government previous notice of their intentions. Was there common sense in that? Could it be imagined that such dangerous and designing traitors would say to the government, "We mean to meet on the 2d of December for your destruction, and we put you upon your guard, that you may be prepared for us." They were, in fact, to persist in their design of levying war, after having given every notice that could frustrate their object. It was impossible to reconcile such a project, unless it was supposed the conspirators were greater idiots than ever existed.—It would be said, perhaps, in answer, that there were desperate characters, who sometimes embarked in desperate enterprises. As a moral apothegm, he did not mean to deny it. But here was the difference. These men made choice of difficulties; they raised them voluntarily; they gave the alarm to government; they put ministers on their guard; and when, therefore, the question of intention was to be considered, those

circumstances ought not to be forgotten. Again he would repeat, that the riot, however tumultuous, mischievous, or outrageous, could not amount to treason, unless there was a deliberate design to overturn the government. No matter what excesses were committed; there was no levying of war, unless accompanied by that specific object. He would instance the case of Lord George Gordon, when 40 or 50,000 men marched in distinct columns, with cockades, banners, and martial music, to the very doors of the legislature. But was there ever an indictment for high-treason preferred on that occasion, extensive, murderous, and mischievous as it was? No. Because that vital principle was wanting, of a specific design. It was true, Lord George Gordon was tried; but he was also acquitted, because there was no proof that he acted as the instrument to obtain either the repeal of a law, or any other object that amounted to treason. What was the riot-act passed for? To prevent and punish rebellious meetings. It followed, therefore, that neither the extent of the riot, nor the mischief, nor the destruction that might ensue, constituted high-treason. Where was the evidence of any conspiracy? In the testimony of Castle, and Castle alone. Let that evidence be blotted out from the notes of the jury, and then no evidence whatever remained upon the subject. It was said, however, that an accomplice might be a witness. That he did not dispute. He might be a witness, though unconfirmed. The greatest villain that ever existed, if not convicted of certain crimes, and the record of that conviction put in, might be a witness. Castle, therefore, might be a witness. But let him be a little sifted, and then the jury would be let into his true character, and satisfied that not the slightest reliance could be placed upon his evidence. It was argued, that his testimony was confirmed; of course it would be confirmed in parts; he told a story of eight hours, and many things which he told were facts, that nobody could deny. They were matters of public notoriety, and because he was confirmed in them, were they to believe him in all the rest? A character more infamous than that of Castle, more abominable, more false, and less entitled to credit, never was presented to the indignation of a court or jury. He was a practised villain, of consummate infamy. Was not his evidence disproved in its most essential parts? He begged the jury to recollect the testimony of Mr. Hunt, and how completely that was contradictory of the evidence of Castle. What was the situation of Castle? He was in the guard and custody of the police; in their pay, clothed by them, and, he presumed, fed by them. Now he would have the jury not lose sight of the fact, that the papers taken from the person of Watson, sen. were in the possession of the Bow-street officers from the 5th of last December. Was it impro-

bable that Castle had seen them? And as Castle was a practised liar, was it also improbable that he built his story upon the papers, after which the papers were brought in confirmation of his story? Then, as to the pikes; was there the slightest evidence, except Castle's, to shew that the prisoner ever saw one of them? They were deposited in young Watson's lodgings, and the father had access to those lodgings; but did it, therefore, follow that he knew every thing contained in them? The case of the pikes, indeed, when examined, vanished into nothing. There were many slight circumstances in the case, on which, in the state of the Court, he should not then dwell; he would willingly leave them to that indefatigable discernment which had marked the conduct of the jury since their entrance into their box. He could not deny that the meeting at Spa-fields was highly mischievous; that it was calculated to increase the evil which it was convened to discuss; but it was not high-treason, it had not in view the overthrow of the constitution. The right to meet for the redress of public grievances was not held at the will of the Attorney-general. It was obtained by our ancestors in the reign of Charles I. and was confirmed on the overthrow of the Stewart family. There were periods of our history when the courts of justice were the instruments of the crown; that men had their ears taken off for exercising the right of petition—but these times were passed, and never to return in the present enlightened state of the public mind. Much stress had been laid in the speech of the Attorney-general on the society. Whatever were its objects, the jury had nothing in evidence. Indeed, however monstrous and ridiculous these objects were, a general error still was prevalent. No division of property amongst the people was ever recommended by that system; it went to vest the whole land of the country in the government. However insane the speculation, it was not high-treason. On the meeting in Spa-fields there was this great feature in the transaction, that though the question of adjournment, one of the alledged proofs of this treasonable plot, was proposed by young Watson, you had it in evidence, that the father, the prisoner at the bar, interposed, and recommended a more distant day. Then came the placard, and the motto, that 'England expected every man should do his duty.' One should suppose that the recollection of such a motto, and of the hero, who, on a great signal occasion of national glory, first introduced it, any other feelings but those of a treasonable tendency would have been excited. To what was the splendid heroism of that victory attributable, but to that national spirit which, from a just sense of their rights and superior condition, pervades the people of England. It might be mischievous to administer to the bad propensities of a turbulent assembly, but it would be a greater and more lasting mischief to confound these acts with the crime of treason. Then we heard the tri-coloured flag on the 2d of December, and his learned friend (Mr. Wetherell) was fully jus-

tified in making Mr. Dowling correct his expression to that of a tri-coloured. For the jury would recollect, that in his opening the Attorney-general had commenced with much effect on that symbol of French revolt. But in place of its being such a symbol, it was merely a cockade of different colours, referable to distinct objects of an abstract quality. The red to justice, the green to nature, and the white to truth. Why, when so much was said of this treasonable symbol, he could not help observing, that ever since this trial had commenced they had it in their eye (alluding to the tri-colour in the yeomen of the guard). What was the inference from all this? It was, that not being sound in the essentials, they endeavoured to compensate by trifling details. What did Limbrick the police-officer say? That for three quarters of an hour the magistracy and police-officers remained supine and inactive, allowing the treason to reach its maturity. Were there six Staffords in the field, they would have in a moment put to flight this rabble rout. Though they had the lancers in Gray's-inn, they never interfered. What was the inference? That their inaction arose from considering it not to be mischievous. Would to God they had acted, what miseries and confusion might they have been prevented. They would have spared you, gentlemen, and this Court, all the fatigue and hardship that you have, and yet must undergo. Reverting to Mr. Dowling's evidence, he would not do his duty, if he did not say it was contradicted in material facts. Mr. Scott could not take a note, he was so swept away alternately by the crowd, to the right and to the left. Shearman stated, he was nearer the waggon by two yards, and could not collect what was said. These speeches might be improper; inflammatory speeches, in periods of distress, were improper, but they could not be considered high-treason. One could not treat seriously the conduct of six miserable men, as threatening to subvert the state. What, indeed, said the crown witness, Huggins, of the amount of this rabble-rout? He told you, that at Coppice-row, which was the rubicon of this civil war, the assembled force, threatening the Tower, the Bank, and the State, did not exceed a rabble-rout of one hundred men. And in speaking of the Bank, it was remarkable, that though these conspirators could not muster twenty-pounds, though they stood in need particularly of funds, yet it was in evidence that they passed down Princes-street, passing altogether the avenues to the Bank. Indeed, trace them from Spa-fields to Coppice-row—thence to Skinner-street, to the Royal Exchange, and to the Minories, you can find neither aim or object. In stating the occurrences at the Tower, the most complete variance was exhibited in the evidence for the crown. But here you can mark the malignant falsehood of Castle—though every other witness had sworn that there were but two soldiers on the ramparts, that miscreant, whose object it was, whether in the foremost or in the rear, to seal the destruction of his prey, swears positively that

there were between forty and fifty soldiers. Should such testimony be received by a discerning jury, and particularly when the highest authority in the country (the lords commissioners) had stated, that there were too many of these mercenary informers endeavouring to excite and infuriate deluded multitudes. There was one extraordinary fact respecting the waggon, which could not be overlooked. Why was the ammunition concealed by Castle not used by the insurgents in their levying of war? On what other supposition was it to be explained, but that nobody, except that infamous man Castle, knew it was there. An inference was endeavoured to be drawn from the manner and time at which Dr. Watson was arrested. What was there unnatural in that conduct? He knew that he had taken a part in a mischievous meeting that led to public confusion.

Gentlemen of the Jury,—In every view of these proceedings, the internal evidence is opposed to the case that the prosecutors endeavour to make out. You must not see in a mere outrage, however mischievous—in a riot, however tumultuous, the prosecution of a design to overthrow the government. If there be no evidence to uphold the charge of a conspiracy to levy war, all the other counts must fall, because, in refuting that charge, you refute the others. The question for your consideration is, first, whether there was a deliberate design to subvert the state, and did these violent measures take place with that intention: Nothing remains for me to add, but to thank you for your attention, and may that providence who in extreme and difficult cases so frequently enlightens the minds of men, shed his influence on yours, and I entertain not a doubt that you will pronounce the deliverance of the prisoner at the bar.

Lord Ellenborough called upon Watson for his defence; and Watson expressed himself in these terms:—

“After the address which has been so ably and eloquently delivered to the jury by the gentlemen who appear in my behalf, it would be presumptuous for me to say any more, than that I disclaim any intention to overthrow the government established by king, lords, and commons.”

Mr. SOLICITOR GENERAL said, the period was now arrived, when it became his duty to address them. This duty he felt to be most painful, after so many hours of this day, and so many days before, had been taken up in this trial, and when so many circumstances had exercised their attention: but he had the consolation of addressing an English jury, men of integrity and understanding. He agreed with the learned counsel who last addressed them, and, in common with him, requested them to dismiss from their minds all prejudices from *without*; but, at the same time he must request that they would guard against all prejudices from *within*. Never were propositions more boldly, and more confidently attacking those who instituted and those who conducted this trial, addressed to any jury. When those

propositions were published, it would be seen how clearly they were made. The expressions were indeed avoided, but the insinuations were manifest. They were told that the record was drawn up in a state of confusion, and that it was so in order to mislead their minds, and to induce them to find the prisoner guilty of the crime charged against him. It was also said, that a verdict of guilty would be a repeal of the existing laws, and would create a new treason. Nay more; it was plainly insinuated, that this trial was instituted for a political purpose, and that it was supported only by the perjury of Castle, and that this perjured witness was procured by the government for this purpose. No explanation could satisfy any mind that this conclusion was not meant to be drawn from their observations, and that this was a prosecution for political purposes, and to establish a new crime. He implored them by their obligation, by their oath on entering that box, not to regard insinuations unfounded, unsupported, and without proof, while investigating the evidence before them. He knew that they would act as if they knew nothing of the case before they entered that box. Notwithstanding the able defence that was made for the prisoner, he would confidently submit that the case was made out against the prisoner; but he would not anticipate their decision. He would first offer a few observations as to the law of the case, so much commented on by the counsel for the prisoner. He could, and he would lay before them statutes and decisions as the foundation of his remarks. Much had been said of the multifarious charges in the record. They were four in number; but they were proved by the same acts; and if they proved those acts, all the charges were made out. The charges were numerous for the benefit of the prisoners; the long and minute description of all the acts and circumstances charged were for the purpose of informing the prisoners of their charge, and preparing them for their defence. If, by a long train of circumstances, the guilt of the prisoner was established, the conclusion might be as satisfactory as though the clearest overt act precluded the necessity of such investigation. This was reprobated as accumulative treason; as well might the charge against Donaller and Patch be called accumulative murder. All those attacks then, made upon those that instituted and those that conducted this trial were, first, unfounded, and, in the second place, they had nothing to do with the decision of the jury. It had been attempted to throw ridicule upon the first charge of compassing the King's death, from the age, and virtue, and infirmity of the Sovereign; but they must know well, that, both by law and by decisions, any acts tending to depose the King, or to subvert the government, amounted to compassing and imagining the King's death. Mr. Wetherell would not take the law from the Attorney-General, he would not take the law from

Mr. Wetherell. Before remarking on the second charge, he would proceed to the third, because it arose from the same act of Edward III. of which they had heard so much. He would show from the same law-books which had been cited on the other side, what was the uniform doctrine and practice as to levying war against the King. The great fallacy of his learned friends was, that there could be no levying war unless it was successful. If not successful, which, thank God, it was not; yet if he proved the intention to levy war, he could call upon them to give a verdict for the crown. It had been attempted to influence their judgments through their feelings; but the case which they had to consider was fairly stated by his learned friend who spoke last, he had put it on the same true issue: viz. the intention from which the different acts proceeded, and upon that issue he was content to have their unbiassed verdict. The 36th of the King made it high treason to levy war for the purpose of forcing the King to change his measures or dismiss his counsellors. The Attorney-General had been misrepresented by Mr. Wetherell; for though levying war was not, before treason, it was always evidence of treason.

The Attorney-General had not said, that the facts charged might as well be brought under one count as another. But his learned friends on the other side confounded crime, and evidence of crime. The charge did not go to abolish law, or to create a new law. These arguments were objected in the case of Tamarcy and Purchase, in the reign of queen Anne. In that case, treason was the charge, and the prisoners were convicted; yet it had there been objected, that the acts charged did not amount to treason, and that a verdict of guilty would abolish the established laws. The arguments, therefore, were not new. He had made but a very slight research into these matters. till the Attorney-General was charged with creating a new treason. If persons assembled, as the prisoners were, for redress of real or fancied grievances, proceed to effect their purposes by force, he cared not whether they had provided for a new government, their conduct was high treason. If they had got possession of the Bank and the Tower, would it then be a riot? The attempt was made, but all those things were riot, and not treason. If then he could prove the intention, success was not necessary, and he would call upon them for their verdict. If they proceeded to overturn, or to attempt to overturn the government, the jury were bound to find it treason. It was his wish, and he would endeavour to consider the evidence calmly and dispassionately, and they would weigh all the facts and circumstances calmly, coolly, and dispassionately. If they believed the prisoner had no intention to overturn the government, they would acquit him; but if they believed the intention, however absurd, existed, they were bound to find him guilty. He would now state

the law on the subject : In the case of Bertrand, in the reign of Henry VIII. a conspiracy to destroy enclosures was found treason. There was another instance referred to of 100 persons conspiring to break down all bawdy-houses ; but the statute of Edward VI. was alleged to be unprecedented and temporary, yet all judges, before and after that statute, acted upon its principle. In the reign of Elizabeth it was declared treason to levy war within the realm, whatever the object ; and the 38th of the King was almost the same act of Elizabeth renewed. But there was a case, commonly called the apprentices' case, which bore a wonderful resemblance to the present. Great numbers assembled together ; three hundred were stationed on Tower-hill, others were placed on Bunhill ; they broke open houses and took arms ; their object was to release prisoners, with whom they felt a common interest. In his learned friend's words, was that treason ? No ; it was only to relieve other persons confined in prison. That, however, was treason in the time of Elizabeth, yet it is said, that now it is attempted to create a new treason. This alone was sufficient for his case. But Mr. Justice Foster, quoted with so much confidence on the other side, distinctly says, that every insurrection to effect a change of ministers, has always been considered as an overt act of treason. If there appear in any way an intent of subverting the government, whether effected or not, it was treason. He was more anxious on this point, from the attacks from his learned friends ; those attacks were the beginning, the middle, and the end of their addresses. Here the Solicitor-general read some paragraphs which he had taken down of Mr. Wetherell's speech, and animadverted upon its charges and insinuations against the prosecutors. He would now proceed to inquire into the facts. From those he would satisfy the jury, that the case was made out by the clearest and most satisfactory evidence. He would be ashamed to found his charges upon conjectures. If the proof was not satisfactory, they all were not for a verdict from the jury. Mr. Justice Foster stated, that probably meant, that the proof be sufficient ; but was the proof of high treason different from other proof ? The question for them was the purpose and object for which they met ; and if they had evidence that the purpose was to subvert the government, they must find the prisoner guilty. Much stress had been laid upon the character of Castle. He had been mentioned by the Attorney-general as an accomplice. None could be comparable to an accomplice for disclosing the whole scheme of the conspirators. Let this man be as infamous, as perjured, as villanous as they pleased, he was Mr. Watson's friend and companion. If he was infamous and covered with crime, if he was capable of every act of malignity and mischief, for what purpose was he taken as an associate by Watson, Thistlewood, Preston and Hooper ? Unless

his evidence be confirmed, they were to give him no credit; but it was not necessary to have all facts confirmed, else what would be the use of an accomplice's testimony? He would quote his evidence and confirmations from the evidence of others. If his evidence was given in a credible manner, and if parts were confirmed, then were they bound to believe. He was said to be the hired and paid instrument of the crown. The evidence of treason was first given by Castle. Seymour-place and the pikes were made known by him. Then government instituted this prosecution; and it would have been most blameable not to have instituted it. If he could bring now proof upon proof, and this was the language of the Attorney-general, they would be satisfied, and give their verdict accordingly. It was true, the gauntlet had been thrown down to account for delaying to institute the prosecution so long; but what complaint could there be made against government for delaying the prosecution till they had obtained evidence of the crime? Insinuations were more than made of the intention and object in this prosecution, but they would pay no attention to such insinuations. Allusions had been made to the trials of 1795, and the acquittal of Lord George Gordon, and the approbation with which the verdict of acquittal has been regarded ever since: but the jury had nothing to do with those trials and verdicts. The object was to influence them to acquit, because the juries of those cases had acquitted. But in the case of Lord George Gordon the verdict of acquittal might, and probably was not because the levying war was not treason, but because he was not properly connected with that levying. But in 1780 so many houses were broken into, and the house of parliament was attacked, yet a verdict of acquittal was returned; therefore now, when the injury done is fortunately not so great, a similar verdict ought to be returned: but they must dismiss those cases from their minds. It was not upon appeals to them as Englishmen and as jurors, but upon facts proved to them, that they must decide this case. He would now proceed to the facts without farther preface. But he had almost forgotten to expose the absurdity of appealing to former verdicts, by stating that he might as fairly have argued Despard's scheme was as wild and visionary as the prisoner's; a verdict of guilty was returned against him, therefore they must convict the prisoner; but he would use no such argument. Lord Chief Justice Holt says, "It is very hard, if not impossible, to detect treason but by means of accomplices; their testimony is very good, if legally confirmed." He farther goes on to say, "They are the best witnesses, for without them no knowledge of the secret plans of conspirators can be obtained. It is evident in itself, and experience had proved that it was impossible to discover the most nefarious and atrocious crimes, if accomplices were not ad-

mitted. A curious hypothesis, and one which one single syllable, said, and in a part where it was impossible for Castle to be the contriver, defeated as he would afterward show, but it was put, and with gravity, that all was the contrivance of Castle, and that he had contrived it with a view to blood-money. Yet they were asked to believe, in their sober senses, that he who was so correct as to dates, facts, and persons, had plotted, and hatched, and prepared all this. This infinitely surpassed in absurdity the very plot whose absurdity they appealed to so frequently. Where did this contriver first meet with the prisoner? In the Spencean society at the Cock, in Grafton-street. It was said to be extremely suprising and incredible, that the prisoner should at once disclose his intentions to Castle; but the Spencean doctrines, as absurd as they were, were broached by Mr. Watson; and, discovering in Castle, mischievous as he was, and extremely fit person for understanding and effecting his purpose, addressed him as in the evidence. This he did not in confidence, but to sound it. But desperate men will have recourse to desperate measures. What was there so incredible in selecting, when hatching and contriving a desperate plot, a person who had audacity enough to set about its accomplishments? Castle accordingly was soon introduced. The absurdity of the scheme, too, was used as an argument here. It was absurd, but desperate men will have recourse to desperate means and contrivances. Believing the spirit of the country to be fit for their purposes, they contrived this plot. Its existence was not to be proved by mere probability of the scheme. Despard's treason could not be so proved. If he proved that the plot did exist, then he was entitled to their verdict, however wild the scheme. If he should omit any part, or stated any part of it too strongly, they would not impute it to any wish to obtain a wrong conviction, though an example of that kind has been set to him. It could not be said by a jury, that because the scheme was wild, irrational, impracticable, therefore the evidence of its existence was unsatisfactory and illegal. Let them only examine whether the scheme did exist. Let them first advert to Greystoke-place. Who took the house there?—Mr. Watson, to carry on business as an apothecary and surgeon. Did he carry on such business?—No. It was a convenient spot for plots. Here again they would observe that Watson did not appear as the person who took the house: that was known only to the proprietor. This was important. Watson was not at Beckwith's: while he contrived the plot, and instigated others, he was not himself to appear; but he was answerable for every act of the joint conspirators: this they would hear from the bench to be a sound principle in judging of the criminality of each of the conspirators. There would be an end of all law if it were not so.

Very early in their intercourse Watson showed Castle two papers, a plan of a machine against cavalry, and a sketch of the Tower. Those very papers were afterwards found in the room of young Watson, in Hyde-street, Bloomsbury; yet Castle was the contriver of the whole. He made these plans and conveyed them to Watson's room before the 18th of November. He must have been the greatest prophet that ever lived; he foresaw that young Watson would leave his room on the 18th of November, and not return to it again; he foresaw that those papers would be left there: he foresaw that Vickery should come there in December and find those very papers. When talking of credibility, was there ever such a proof of a witness's credibility as was here afforded? Those papers were found in young Watson's room; this must be believed, because there was abundant evidence, but this confirms Castle's testimony. Another confirmation was afforded by Skinner. It was pretended that Castle had met Watson by chance, near King-street and Portman-barracks, and hence formed his story: but Skinner gives evidence of a discussion and contest between Watson and Castle there; and old Watson himself had brought Skinner with him. But another person, Harrison, was present when they met, plotted and conversed upon their schemes. Why was not Harrison called as a witness? By a statute for the protection of persons charged with treason the prosecutors could not; a witness could not be asked a question by the prosecutors that might involve a criminalation of himself. But if Castle's story was false, why did not the prisoner call Harrison to contradict him? They had argued that he ought to have been called to confirm Castle's evidence. This they could not do; for they could not call a witness to give credibility to another witness on their side: but that the prisoner did not call him was a negative confirmation of Castle's evidence. Besides, if Harrison was innocent, he would be forward to contradict a statement that affected him so deeply. If Castle be so ingenious, would he mention Harrison, and thus run the risk of detection? Again, a confirmation occurred in Bouverie-street. Of Hunt he meant to say nothing; he agreed with his learned brother in reprobating his political principles and conduct, but he confirmed a most material point of Castle's evidence; the toast given by Castle was confirmed—a toast which he would not repeat to them, but which could not be given in any society where the person giving it could be longer endured: but this loyal society gave the King as a toast! Another part of the transaction that deserved attention was the pikes. Much ingenuity, and more levity had been displayed on this very important point: but Castle was here confirmed by witnesses, and again by Harrison. Harrison introduces him to Bentley, and was with him when a pike was made and brought to young Watson.

There was a curious confirmation here from a very minute circumstance. Bentley was applied to and refused him. Could this have been foreseen or contrived? Castle was asked, on his cross-examination, if he knew any thing of a key. They knew the design of that question, and, with the acuteness and discernment they possessed, they must have marked its complete failure. Castle's character was blackened by the foulest crimes, he admitted; but his evidence was fully confirmed. Those pikes are again found concealed in the place to which they were conveyed. They were not used, but the reason was, that Harrison had left them, and thrown them into alarm. They withdrew upon this to the Blue Last: but Harrison shows that he has that faith that will not disclose dangerous designs; therefore, they return to Greystoke-place. Then it was that the spirit of the people, and the distress of the country, made them resolve upon calling together all the distress of the metropolis. The artifice of electing Clark as chairman was confirmation strong of their design. They wished to conceal their treason under the mask of petitioning for reform, till their plans were matured. The application to take a house in Seymour-place was confirmed too. The scheme was wicked and ineffectual, yet they did resolve to set fire to the avenues of the barracks, to prevent the soldiers from acting against them; and, for the purpose of storing the materials, took this place. This prophet, Castle, foresaw that Cosser would not let the house, and went with young Watson. Watson was introduced, and is supposed from mere accident to have given reference to Thistlewood, the only one that has money of the party. Thistlewood said (so much truth and fairness had those gentlemen), that his father was a respectable farmer in Lincolnshire. Why was no evidence called to explain this fact? But why should we dwell upon this? It was not money that was wanted; a check was offered which would be cancelled by the revolution; but the reference was not satisfactory. Their conduct afterwards was confirmation of the general truth of Castle's evidence. There were no details of their ulterior measures. That was not necessary and not prudent. Hooper was introduced in room of Harrison. One of them always accompanied Castle, who applied in every place where it was likely to promote their scheme, and spread his net, according to a figure used on the other side, so wide as to catch all the distress, discontent, and disaffection in the country. He would now come to the second part of the plot, which he would beg leave to say was the best contrived for their purposes that could be imagined. They were poor, and not likely to excite suspicion; they spread sedition from place to place; they were among the navigators of Paddington, in Spitalfields, at London-bridge; these arts they practised morning, noon, and night, and they regularly

made their report at Greystoke-place. One meeting they resolved to hold which should be legal, and which would collect together a great body of people. They thought it necessary and prudent for their object, to invite Mr. Hunt, to give eclat to the meeting, and perhaps to make better speeches than they could themselves utter. Mr. Wetherell was mistaken in saying that the paper found in Watson's pocket, containing a list of names, among which was Mr. Hunt, formed any evidence against any one but the conspirators who plotted to destroy the government and to appoint this committee of safety. Watson was found applying to Storer, the printer, and getting the bills from Seale. There was no wish or object that was not common to the Watsons, Thistlewood, and the rest. At the first meeting the flag was displayed; both his learned friends had objected to calling it the tricoloured flag; but it was tricoloured, and though green was put in place of green, the flag was still the sign of revolution. Hunt moved an adjournment, and young Watson moved an amendment. Here Castle was confirmed; for Hunt says, that young Watson was sent forward by a person from the back of the room, and Castle had said that Thistlewood had sent him forward. Old Watson is supposed to have objected, but the amendment was adopted. This meeting was so large, they resolved to call another meeting with an advertisement in stronger terms. In the mean time they were busy. Hunt said Castle spoke of keeping the flag, and it was attempted to have it represented as his.

The motto of the placard was artfully connected with the name of Nelson, as if this could conceal the spirit of insurrection and rebellion it indicated. His friend had gone no farther, but he would. What duty did Watson, Thistlewood, and Castle recommend to the mob in Spa-fields? Were they placed like Nelson and his men for the defence of their country? Hunt fixed the meeting at 1 o'clock, the handbills at 12. During this hour, they could receive arms and other implements for bringing their designs to their consummation. Four millions were said to be in distress, &c. It was insidiously said, in the smallest type, that those who had engaged in riot were ill-informed of the objects of the meeting. Then, in large characters, it was said, the nation's wrongs must be redressed. They proclaim to the government, that reform was their object. They circulate among the lower orders their seditious bills. One party frequently visits the Tower. His learned friends were very tender of this point. They carry hand-bills and distribute them there among the soldiers. They go to the smiths' in Westminster-road. Gunsmiths' shops were inspected. Did this find no confirmation in the acts of the 2d of December? But they procure arms for themselves before the meeting. This was by accident. The pistols, he supposed, were put into

young Watson's hands, into Hooper's pockets, and into the elder Watson's bosom, by Castle, the contriver and prophet. It was a peaceable meeting. Why did the Watsons, Thistlewood, and Hooper, go armed? the acts of that day explain. But he would again revert to the dinner on the 15th, at Bouverie-street. Harrison and Kearns were not called as witnesses to contradict Castle, but Hunt and Bryant were called. A remarkable circumstance was thus brought before them. Watson apologized for Castle, saying, "He is a very good, an excellent fellow." Hunt says he struck Castle a blow that would have knocked another man down. Bryant says, he only shook him, or gently touched him. But he would now come to the proceedings of the 2d of December. Kearns and Angel were at dinner with them the preceding evening. They dined at Evans's. Thistlewood parades Bethnal-green with his flag unfurled to collect a multitude. Castle was not there, but the Watsons, Preston, Thistlewood, and Hooper, are there. Old Watson first addresses the people. Mr. Dowling gave an account of this speech, and no imputation was cast upon him because he had communicated, as he was bound to do, what passed there, and because he or his brother got employment in writing shorthand notes from the government. He was attacked as if he were hired or bribed by the crown; but the manner and circumstances brought forward confirm his statement. The speech bore a striking resemblance to a paper found in Hyde-street, which was evidently intended for the beginning of a speech. It was most inflammatory. His son addressed them next, and, in a string of interrogatories, concluding with "If I jump down, will you follow me?" The two Shearmans, too, confirmed the evidence as to the speeches. A banner was inscribed with "The brave soldiers are our friends." This was in exact conformity with their previous attempts upon the soldiers, as testified by Castle. At Beckwith's they broke into the shop and took away arms, and this was attempted to be explained away. The shot fired was only an accident! The shop broken into was only the consequence of young Watson's confinement! Watson afterwards shewed contrition; yet this contrite youth afterwards loaded two pistols in that very shop! His learned friends had here left the strong parts of their case, and brought forward the weak parts fully into view. Not a shop was attacked but gunsmiths'. To the Tower! was exclaimed among the crowd in Coppice-row, and most likely by young Watson. Sir James Shaw said that no alarm was felt; but Mr. White said they were all alarmed. The Lord Mayor was not called because it was the day of his election. The learned gentleman thus commented on the several parts of that day's proceedings, and concluded by calling upon the jury, if they viewed the evidence as he did, as they valued the peace of the public, their own

future peace and security, the stability of the state, and the administration of public justice, to find a verdict of guilty against the prisoner.

The court rose at half past 6 o'clock, to sit again for summing up on Monday at 10 o'clock.

SEVENTH DAY.

MONDAY, JUNE 16, 1817.

Trial of James Watson, the elder, continued.

Mr. Justice BAYLEY took his seat at 9 o'clock, when the grand jury for Middlesex were sworn in as usual. This ceremony, together with a very short charge, occupied nearly an hour and a half.

The jury entered their box at a little past 10, and before half past 10 the whole court was assembled.

Lord ELLENBOROUGH addressed the jury as follows :—The evidence on both sides having been now concluded, and the counsel, as well for the prosecution as the prisoner, having finished their cases, it now remains for me to address to you such observations as seem necessary, and to present to you, as well as I am able, the evidence taken during this long proceeding. When that has been completed, it will become your duty, dispassionately and conscientiously to weigh the whole, and to form such a conclusion on the balance of testimony as is consistent with truth and justice. This is an indictment for high treason, and it contains four charges, two of them founded on the old statute of Edw. III. which was passed for the purpose of collecting and embodying all the treasons thereafter to be considered, and which continues at the present day in full force. Several other acts have since been found expedient, from time to time, and one in particular, passed in the present reign, not so much enacting new treasons, as declaring those that were included in the stat. Edw. III. The two charges under the old act are, first—compassing and imagining the death of the King ; and secondly, levying war against the King ; these have been already so much the subject of comment on both sides, that it is scarcely necessary to add any thing in explanation : but to the compassing and imagining the death of the King, your attention has not been expressly directed ; and certainly we have no evidence of any design to accomplish the personal death of the sovereign ; but any thing aiming at the destruction of the legal policy of the realm, such as the deposing or imprisonment of the person of the King, or the destruction of the regal constitution of the country, is considered in law as aiming at the life and safety of the monarch, with intent to subvert and destroy the monarchy. On this point I cannot refer

you to a higher authority than my lord chief justice Eyre, who said, that it was so undeniable a presumption of fact, arising from the proof of the intention to depose the king, that the life of the sovereign was aimed at, that it had been adopted and made a presumption of law. Upon this point, however, it is not needful that I should dilate; it is sufficient to state that the charge has been properly introduced into the indictment. The second count is for compassing and imagining to depose the king; and every act aiming at the destruction of the regal authority of the realm, is, in contemplation of law, a compassing and imagining to depose the king. With regard to the third count, that for levying war, I would rather speak in the language of the grave authorities of the law than in any other terms I could select; those authorities, but especially Mr. Justice Foster and Lord Hale, have had the sanction and approbation of the most learned men, and their opinions have been virtually received and quoted as the text law of the land. The former of these most eminent persons, Mr. Justice Foster, expressly states that an insurrection to throw down all enclosures, to raise the price of labour, to open all prisons, or any acts of general opposition to the authorities of the law, are, in construction of law, high treason, within the clause of levying war; and he then refers to the statute of 5th Edward III. to which I have already adverted. It seems, however, that tumults that have a private object, and a more individual interest, such as in the early periods of our history, the contests between neighbouring clans, are distinguished in this very statute from those which are attacks upon the regal authority of the realm. If, therefore, it should appear, as was contended by the counsel for the prisoner, that the riot in which he was concerned was merely a disturbance, not directed in any way against the regal authority of the realm, I trust no person would ever seek to confound the limits of the two offences, and to mix up a mere riot with treason: in order to make it treason, it must appear that there was a design to overthrow the government of the country. The question, and the only question you have to try, is in reality this—Whether the conspiracy in which the prisoner was engaged were or were not a conspiracy to overthrow the government of the country? In addition to what I have stated to you from the work of Mr. Justice Foster, allow me to refer you to what my Lord Hale says upon the same subject, who holds precisely the same opinion; who adds, that the levying of a force to disable the King from changing any measures, or from adopting any measures he has a right to adopt in his kingly capacity, is effectually a levying of war against the King. Those three counts are therefore competently framed under the statute of Edward III.; the subsequent act, as I have already said, not in fact making

future peace and security, the stability of the state, and the administration of public justice, to find a verdict of guilty against the prisoner.

The court rose at half past 6 o'clock, to sit again for summing up on Monday at 10 o'clock.

SEVENTH DAY.

MONDAY, JUNE 16, 1817.

Trial of James Watson, the elder, continued.

Mr. Justice BAYLEY took his seat at 9 o'clock, when the grand jury for Middlesex were sworn in as usual. This ceremony, together with a very short charge, occupied nearly an hour and a half.

The jury entered their box at a little past 10, and before half past 10 the whole court was assembled.

Lord ELLENBOROUGH addressed the jury as follows :—The evidence on both sides having been now concluded, and the counsel, as well for the prosecution as the prisoner, having finished their cases, it now remains for me to address to you such observations as seem necessary, and to present to you, as well as I am able, the evidence taken during this long proceeding. When that has been completed, it will become your duty, dispassionately and conscientiously to weigh the whole, and to form such a conclusion on the balance of testimony as is consistent with truth and justice. This is an indictment for high treason, and it contains four charges, two of them founded on the old statute of Edw. III. which was passed for the purpose of collecting and embodying all the treasons thereafter to be considered, and which continues at the present day in full force. Several other acts have since been found expedient, from time to time, and one in particular, passed in the present reign, not so much enacting new treasons, as declaring those that were included in the stat. Edw. III. The two charges under the old act are, first—compassing and imagining the death of the King; and secondly, levying war against the King; these have been already so much the subject of comment on both sides, that it is scarcely necessary to add any thing in explanation: but to the compassing and imagining the death of the King, your attention has not been expressly directed; and certainly we have no evidence of any design to accomplish the personal death of the sovereign; but any thing aiming at the destruction of the legal policy of the realm, such as the deposing or imprisonment of the person of the King, or the destruction of the regal constitution of the country, is considered in law as aiming at the life and safety of the monarch, with intent to subvert and destroy the monarchy. On this point I cannot refer

you to a higher authority than my lord chief justice Eyre, who said, that it was so undeniable a presumption of fact, arising from the proof of the intention to depose the king, that the life of the sovereign was aimed at, that it had been adopted and made a presumption of law. Upon this point, however, it is not needful that I should dilate; it is sufficient to state that the charge has been properly introduced into the indictment. The second count is for compassing and imagining to depose the king; and every act aiming at the destruction of the regal authority of the realm, is, in contemplation of law, a compassing and imagining to depose the king. With regard to the third count, that for levying war, I would rather speak in the language of the grave authorities of the law than in any other terms I could select; those authorities, but especially Mr. Justice Foster and Lord Hale, have had the sanction and approbation of the most learned men, and their opinions have been virtually received and quoted as the text law of the land. The former of these most eminent persons, Mr. Justice Foster, expressly states that an insurrection to throw down all enclosures, to raise the price of labour, to open all prisons, or any acts of general opposition to the authorities of the law, are, in construction of law, high treason, within the clause of levying war; and he then refers to the statute of 5th Edward III. to which I have already adverted. It seems, however, that tumults that have a private object, and a more individual interest, such as in the early periods of our history, the contests between neighbouring clans, are distinguished in this very statute from those which are attacks upon the regal authority of the realm. If, therefore, it should appear, as was contended by the counsel for the prisoner, that the riot in which he was concerned was merely a disturbance, not directed in any way against the regal authority of the realm, I trust no person would ever seek to confound the limits of the two offences, and to mix up a mere riot with treason: in order to make it treason, it must appear that there was a design to overthrow the government of the country. The question, and the only question you have to try, is in reality this—Whether the conspiracy in which the prisoner was engaged were or were not a conspiracy to overthrow the government of the country? In addition to what I have stated to you from the work of Mr. Justice Foster, allow me to refer you to what my Lord Hale says upon the same subject, who holds precisely the same opinion; who adds, that the levying of a force to disable the King from changing any measures, or from adopting any measures he has a right to adopt in his kingly capacity, is effectually a levying of war against the King. Those three counts are therefore competently framed under the statute of Edward III.; the subsequent act, as I have already said, not in fact making

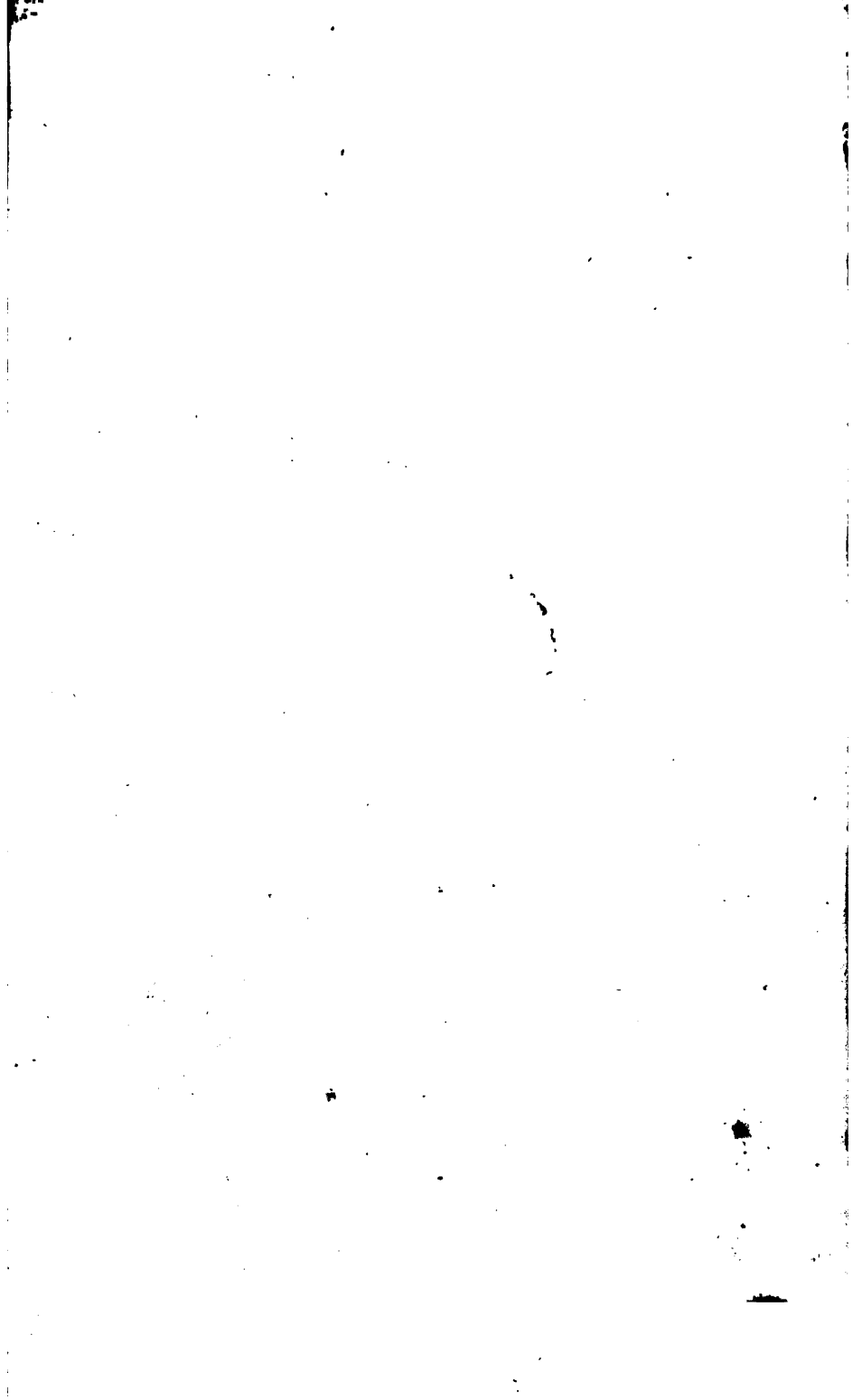
any new treasons that did not before exist. No blame can certainly be imputed to the counsel for the prisoner for the contention they have made upon this point; but let me ask you, if the evidence shows that this riot was a mere irregularity or disorder? Does it not, on the contrary, appear, by the testimony I shall presently recapitulate, that it was, to all intents and purposes, a levying of war. Before I begin, however, one observation I must make. It has been said, on behalf of the prisoner, that the counsel for the crown ought in justice to have called two persons of the names of Harrison and Kearns, to whom reference has been made in the course of this proceeding; and it was added, that if those witnesses had been produced, it would have been clear that the parties had no treasonable purposes, and the case would have been stripped of all the doubt and difficulty that now hangs about it. To this it may be answered, that the counsel for the crown could not have called them; and what is stronger is, that the counsel for the prisoner might have called them. If the crown had put Harrison into the box, it could only have been to criminate himself—he might have demurred to the questions, and that demurrer could not have been over-ruled. Though it is true that against Kearns no bill was found, yet if sufficient ground were shown, another bill might be presented against him, and for the same reason he could not be required to put himself in peril by answering the questions. This objection could not apply to the prisoner, if indeed his purposes were innocent and honest: his counsel had a fair course to pursue; they might have put both into the box, and, by a few plain questions, have supplied a distinct and entire exculpation. You will recollect that Harrison was one of the earliest members of this association: he knew what had been done from the beginning, and could have afforded most important evidence to prove the prisoner's innocence, if he were innocent. Kearns came later into communion with the parties, but his evidence could not but have been material. Why did they not call these men to disprove all the testimony of Castle? and instead of casting blame upon others for not doing that which it was impossible for them to do, they themselves deserve censure for not doing that which by law they might.

I will not occupy your time by farther remarks of a general nature, except a word or two upon the subject of accomplices: it must have often come before you in your capacity as jurymen; and secret transactions, especially of this sort, can never be exposed but through the medium of accomplices: it is necessary to procure intelligence of such matters through a channel certainly not pure; but it has been acted upon at all times, and every day, in every criminal tribunal of the country. If you find an accomplice so confirmed that you can give credit to

his story, you will give him that credit to which he is entitled, notwithstanding the taint of being an accomplice. This question was much discussed in a trial before Lord Holt, in the reign of William III. and that learned judge decided, that the value of his testimony must be left to the jury. In this case certainly there is an accomplice, upon whom many severe observations have been made; much obloquy has been heaped upon him; and even if it were deserved, something might have been sacrificed to the decorum of this place: he has had to do with forged notes, was engaged in a disgraceful transaction regarding French prisoners, and perhaps may have been guilty of some pecuniary frauds, but he is criminated most of all by a professed participation in a crime of the most enormous nature: he admits that he was concerned with those whose purpose seems to have been to overthrow the government of their country, to demolish the barracks and destroy the soldiers in them, and to have participated in all the plans of mischief which his associates had concerted. But when such a man is confirmed in all the most important particulars, (as in the instance of Mr. Cossar, from whom a house was to be taken as a deposit for combustibles, under the pretence of carrying on the oil and colour trade), it is for you to say whether you do not believe his story. It appears even that Thistlewood, one of the conspirators, represented, for the purpose of farther deception, that the younger Watson was the son of a Lincolnshire farmer of substance; and, under all the circumstances, it does not seem that Castle's evidence is open to so much observation. It is impossible to account for a variety of circumstances under any other supposition than that of guilt; and more than all, the paper found upon the person of the prisoner when he was apprehended on his flight from town. It appears clear that he had been arranging a plan, had been making military preparations, and collecting and disposing of his forces. The Tower is called the Old Man in the same document, and all doubt is removed by its afterwards being specifically named. All these things coincide to confirm the relation of the accomplice; and though they may make out little or nothing, taken by themselves, yet altogether they form a case deserving of your most serious consideration. His Lordship then proceeded to read over the various overt acts of treason endeavoured to be proved in the course of the evidence, that the jury might apply them as he proceeded. He then commenced a detail of the testimony of the various witnesses called since the commencement of the trial, lamenting that it would be necessary for him to make a heavy demand upon the patience of the jury. In the course of his Lordship's recapitulation he adverted to the coincidence between the evidence as to the intention of jumping from the waggon, if the spirit of the people were found ripe, and the

words actually used by young Watson, according to Mr. Dowling's report of his speech, on the 2d of December in Spa-fields.

At half past 3 o'clock, his lordship, who had before taken some slight refreshment, was so oppressed by the heat of the day, and the fatigue of reading so many hours, that Mr. Justice Bayley undertook to read his notes for him. The other judges continued, as a matter of course, to read over and compare their own notes of the evidence with the report of Lord Ellenborough. Mr. Justice Bayley and his Lordship afterwards relieved each other alternately. They entered into no general argument on the law of treason; and the few observations made, had for their object merely to point out that several important particulars of Castle's evidence were supported and confirmed by other and by unexceptionable testimony. It might be material also to remark, that the circumstances of fact which had been contradicted by persons less liable to suspicion, were not circumstances connected with the essential merits of this question, although the jury ought undoubtedly to give them a due consideration in estimating the degree of credit due to the testimony of Castle. Mr. Hunt and Mr. Bryant had certainly contradicted Castle, with regard to certain incidents, and the use of certain expressions at different times; but it should be considered, that this might arise merely from inaccurate recollection on the one side or the other, and that the occasions alluded to were moments most probably of haste and warmth. Besides, Mr. Hunt's account of what passed at the dinner, when a toast was given, undoubtedly most offensive to every man of common sense or common feeling, did not accurately correspond with the account of the same scene and transaction by Mr. Bryant. The exact period at which the blow struck at Castle by Hunt, was the point of difference alluded to by the court. The jury would pay a proper attention to the evidence of Mr. Cossar, of Bentley, and three or four of the soldiers, against whose credibility nothing had been objected. They would decide whether the testimony of these persons did not corroborate the account furnished by Castle, to the extent of showing that the prisoner was a party to the design of engaging the waggon made use of on the 2d of December, and the acts of disorder and pillage which ensued. In every important particular, the statements of that witness had been verified and sustained, excepting by the evidence of Harrison, who was not produced. This was a deduction from the amount of proof; but the jury was to declare whether there was not, in the absence of Harrison, proof sufficient to convict the prisoner. Neither could the evidence with regard to the words used at the Tower on the day of the insurrection, be said to rest on the solitary testimony of Haywood, whose credit it had been attempted to impeach. The evidence of Mr. Scott and Mr. Steers could not overturn the facts spoken by Mr. Dowling, or





Cooper



Thistlewood.

From Original Drawings taken expressly for this Work.

Pub^d by W. Lewis, S.^t John's Square, June, 1817.

throw any serious doubt upon the correctness of this report. The evidence of Castle had been most ample ; he had laid himself open to contradiction by the minuteness of his narrative in every particular ; and the proper mode of repelling the effect of his testimony was to have established that contradiction upon material facts. If that had been possible, why had it not been attempted ? The document produced about an intended attack on the Old Man and the Old Lady was inexplicable upon any other supposition than that of a deliberate design to attack and get possession of the Tower and the Bank. What earthly reason could be assigned for the prisoner's taking a lodging whilst he had a house already, or for his son attempting to take the house in Seymour-street, unless as means for carrying into effect their principal design. If the jury believed the facts stated on the part of the prosecution, it must appear manifest that an object was contemplated, which, if successful, would have involved the country in anarchy and confusion, have upset the existing laws, and shaken every security for the life and property of the subject.

The jury, before they retired, intimated a desire to receive some refreshment, and the court assented to their being supplied with sandwiches and a bottle of wine. The proper officers being then sworn in the usual form to keep them without meat, drink, or conversation, with any except among themselves, they withdrew to a private room at a quarter before five, and in about two hours brought in a verdict of—NOT GUILTY.

Watson heard the verdict with the same firmness of deportment and composure of spirits which he had displayed throughout the entire proceeding. He immediately applied, through one of the officers, for permission, which he received, to pass through the jury-box, in order to elude the curiosity of the crowd, assembled in prodigious numbers, and evidently disposed to receive him with tumultuous congratulation. He got to the water-side, and took a boat, without observation by the populace.

COURT OF KING'S BENCH.

TUESDAY, JUNE 17, 1817.

This morning THISTLEWOOD, PRESTON, and HOOPER, were brought from the Tower for the purpose of proceeding with their trials, when, as soon as the Court was assembled, and the jury sworn, the Attorney-general declared it was not his intention to proceed with the charges against them ; consequently the jury, as is usual in such cases, declared them *Not guilty*, and they were discharged.

Now Publishing, in 20 Parts, Price 3s. each, or in 2 vols. 4to. Price. 3l. 3s. in boards,
embellished with two beautiful Engravings of the Battle of Waterloo,
numerous Portraits, and Maps,

THE
HISTORY of the WARS

OCCASIONED BY THE
FRENCH REVOLUTION,

*From the Commencement of Hostilities in 1792,
to the End of the Year 1816.*

EMBRACING

A COMPLETE HISTORY of the REVOLUTION:

With Biographical Sketches of all the
PUBLIC CHARACTERS OF EUROPE.

*The following Portraits and Embellishments, engraved in the first Style of the Art,
and from the most authentic Likenesses, are given in this Work.*

Duke of Wellington,
Prince Blucher,
Lord Hill,
The Emperor Alexander,
Frederic William of Prussia,
Prince Talleyrand,
Napoleon Bonaparte,
Prince Schwartzenberg,
George III.
Crown Prince of Sweden,
General Moreau,
Count Platoff,
The Emperor of Austria,
The Prince Regent,
Marquis of Anglesea,

Sir Thomas Picton,
Duke of York,
Lord Nelson,
General Abercrombie,
Right Hon. William Pitt,
Lord Linedock,
— Bentinck,
General Frazer,
Lavalette,
Louis XVIII.
General Ferguson,
— Mackinnon,
Sir John Moore,
Prince Cobourg,
Princess Cobourg,

Mr. Fox,
Earl Moira,
Lord Exmouth,
Sir Robert Wilson,
View of the Island of St. Helena,
Battle of Waterloo (*Grand*
Charge of Cavalry).
— (*Retreat*
of the French Army).
Map of Europe,
— France,
— Germany,
— Spain and Portugal,
— the Russian Empire.

The Work comprises, in its proper Order,

*The History of the War in Spain and Portugal;
the American War;*

The Campaigns of the Duke of Wellington, Bonaparte, &c.

And every interesting Particular relative to the ever-memorable and glorious

BATTLE OF WATERLOO,

(Of which two fine Engravings, copied from a Sketch by a British Field-officer are given.)

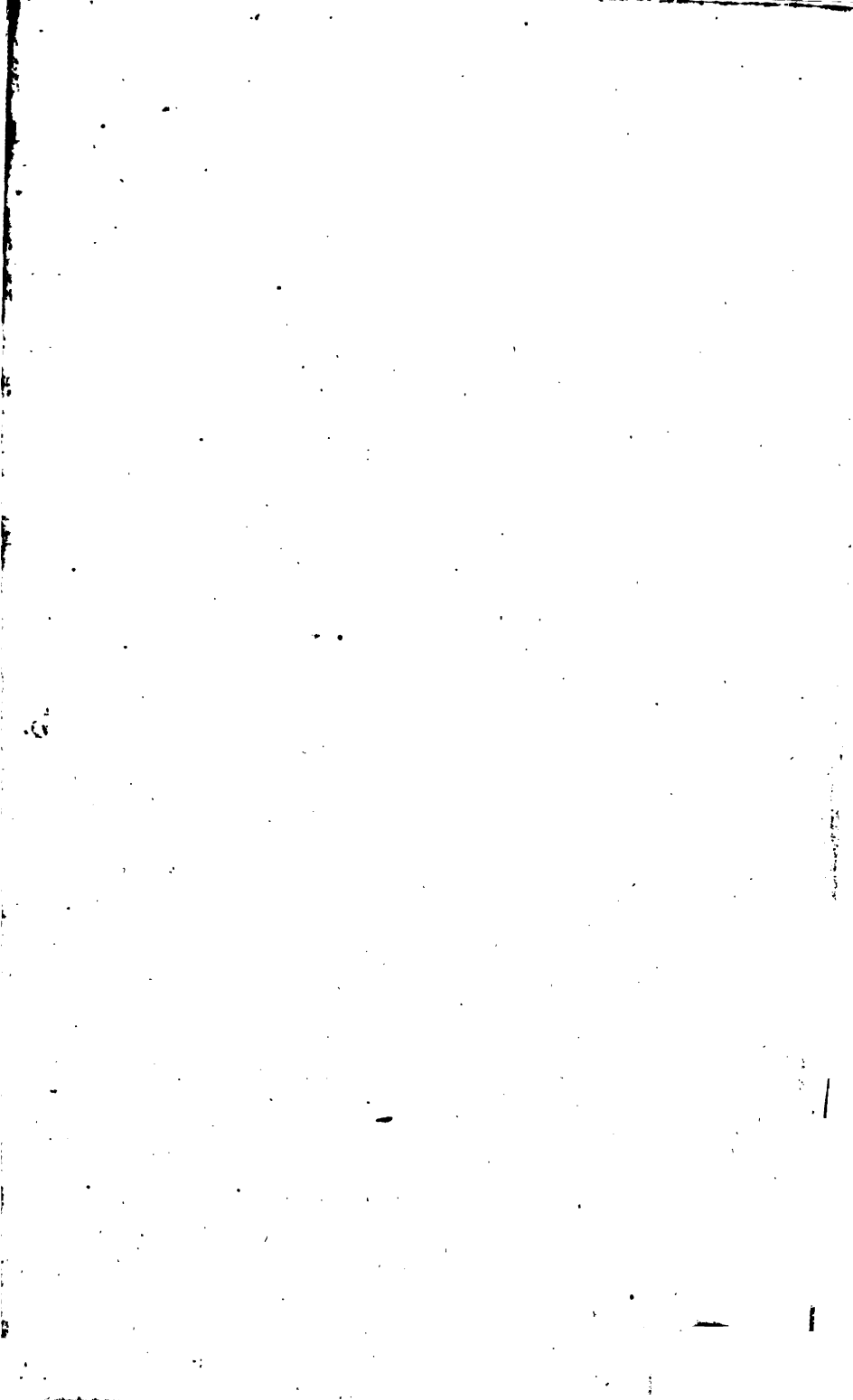
*And the recent Glorious and Memorable Events which have terminated this long and desolating
War, and produced the general Peace of Europe.*

The whole compiled from Official Documents, and the most authentic Sources of Information,

By C. H. GIFFORD, Esq.

N. B.—The best proof, perhaps, that can be adduced as to the character and estimation of this Work, is its
having already gone through Four Editions, comprising 40,000 copies, and continuing to receive a demand
wholly unprecedented in the annals of publishing.

* * Observe to order **GIFFORD'S HISTORY of the WARS.**





AP ATK JVh
High-treason.

Stanford Law Library



3 6105 044 126 691

3s. each
tiful En
Portra
TH

○

ASION

RI

men
of th

EMBE

ORY

ical

CT

hmo

Li

Pic

ork

n,

erch

Wil

ock

neck

azer

II.

rgus

ckit

oore

our

abou

priser

tar

ner

ke

relat

DF

from

Events

and the g

ments,

. GI

adduced

comprisi

hing.

GIFFO

AP ATK JVh
High-treason.

Stanford Law Library



3 6105 044 126 691

any new treasons that did not before exist. No blame can certainly be imputed to the counsel for the prisoner for the contention they have made upon this point; but let me ask you, if the evidence shows that this riot was a mere irregularity or disorder? Does it not, on the contrary, appear, by the testimony I shall presently recapitulate, that it was, to all intents and purposes, a levying of war. Before I begin, however, one observation I must make. It has been said, on behalf of the prisoner, that the counsel for the crown ought in justice to have called two persons of the names of Harrison and Kearns, to whom reference has been made in the course of this proceeding; and it was added, that if those witnesses had been produced, it would have been clear that the parties had no treasonable purposes, and the case would have been stripped of all the doubt and difficulty that now hangs about it. To this it may be answered, that the counsel for the crown could not have called them; and what is stronger is, that the counsel for the prisoner might have called them. If the crown had put Harrison into the box, it could only have been to criminate himself—he might have demurred to the questions, and that demurrer could not have been over-ruled. Though it is true that against Kearns no bill was found, yet if sufficient ground were shown, another bill might be presented against him, and for the same reason he could not be required to put himself in peril by answering the questions. This objection could not apply to the prisoner, if indeed his purposes were innocent and honest: his counsel had a fair course to pursue; they might have put both into the box, and, by a few plain questions, have supplied a distinct and entire exculpation. You will recollect that Harrison was one of the earliest members of this association: he knew what had been done from the beginning, and could have afforded most important evidence to prove the prisoner's innocence, if he were innocent. Kearns came later into communion with the parties, but his evidence could not but have been material. Why did they not call these men to disprove all the testimony of Castle? and instead of casting blame upon others for not doing that which it was impossible for them to do, they themselves deserve censure for not doing that which by law they might.

I will not occupy your time by farther remarks of a general nature, except a word or two upon the subject of accomplices: it must have often come before you in your capacity as jurymen; and secret transactions, especially of this sort, can never be exposed but through the medium of accomplices: it is necessary to procure intelligence of such matters through a channel certainly not pure; but it has been acted upon at all times, and every day, in every criminal tribunal of the country. If you find an accomplice so confirmed that you can give credit to

his story, you will give him that credit to which he is entitled, notwithstanding the taint of being an accomplice. This question was much discussed in a trial before Lord Holt, in the reign of William III. and that learned judge decided, that the value of his testimony must be left to the jury. In this case certainly there is an accomplice, upon whom many severe observations have been made; much obloquy has been heaped upon him; and even if it were deserved, something might have been sacrificed to the decorum of this place: he has had to do with forged notes, was engaged in a disgraceful transaction regarding French prisoners, and perhaps may have been guilty of some pecuniary frauds, but he is criminated most of all by a professed participation in a crime of the most enormous nature: he admits that he was concerned with those whose purpose seems to have been to overthrow the government of their country, to demolish the barracks and destroy the soldiers in them, and to have participated in all the plans of mischief which his associates had concerted. But when such a man is confirmed in all the most important particulars, (as in the instance of Mr. Cossar, from whom a house was to be taken as a deposit for combustibles, under the pretence of carrying on the oil and colour trade), it is for you to say whether you do not believe his story. It appears even that Thistlewood, one of the conspirators, represented, for the purpose of farther deception, that the younger Watson was the son of a Lincolnshire farmer of substance; and, under all the circumstances, it does not seem that Castle's evidence is open to so much observation. It is impossible to account for a variety of circumstances under any other supposition than that of guilt; and more than all, the paper found upon the person of the prisoner when he was apprehended on his flight from town. It appears clear that he had been arranging a plan, had been making military preparations, and collecting and disposing of his forces. The Tower is called the Old Man in the same document, and all doubt is removed by its afterwards being specifically named. All these things coincide to confirm the relation of the accomplice; and though they may make out little or nothing, taken by themselves, yet altogether they form a case deserving of your most serious consideration. His Lordship then proceeded to read over the various overt acts of treason endeavoured to be proved in the course of the evidence, that the jury might apply them as he proceeded. He then commenced a detail of the testimony of the various witnesses called since the commencement of the trial, lamenting that it would be necessary for him to make a heavy demand upon the patience of the jury. In the course of his Lordship's recapitulation he adverted to the coincidence between the evidence as to the intention of jumping from the waggon, if the spirit of the people were found ripe, and the

words actually used by young Watson, according to Mr. Dowling's report of his speech, on the 2d of December in Spa-fields.

At half past 3 o'clock, his lordship, who had before taken some slight refreshment, was so oppressed by the heat of the day, and the fatigue of reading so many hours, that Mr. Justice Bayley undertook to read his notes for him. The other judges continued, as a matter of course, to read over and compare their own notes of the evidence with the report of Lord Ellenborough. Mr. Justice Bayley and his Lordship afterwards relieved each other alternately. They entered into no general argument on the law of treason; and the few observations made, had for their object merely to point out that several important particulars of Castle's evidence were supported and confirmed by other and by unexceptionable testimony. It might be material also to remark, that the circumstances of fact which had been contradicted by persons less liable to suspicion, were not circumstances connected with the essential merits of this question, although the jury ought undoubtedly to give them a due consideration in estimating the degree of credit due to the testimony of Castle. Mr. Hunt and Mr. Bryant had certainly contradicted Castle, with regard to certain incidents, and the use of certain expressions at different times; but it should be considered, that this might arise merely from inaccurate recollection on the one side or the other, and that the occasions alluded to were moments most probably of haste and warmth. Besides, Mr. Hunt's account of what passed at the dinner, when a toast was given, undoubtedly most offensive to every man of common sense or common feeling, did not accurately correspond with the account of the same scene and transaction by Mr. Bryant. The exact period at which the blow struck at Castle by Hunt, was the point of difference alluded to by the court. The jury would pay a proper attention to the evidence of Mr. Cossar, of Bentley, and three or four of the soldiers, against whose credibility nothing had been objected. They would decide whether the testimony of these persons did not corroborate the account furnished by Castle, to the extent of showing that the prisoner was a party to the design of engaging the waggon made use of on the 2d of December, and the acts of disorder and pillage which ensued. In every important particular, the statements of that witness had been verified and sustained, excepting by the evidence of Harrison, who was not produced. This was a deduction from the amount of proof; but the jury was to declare whether there was not, in the absence of Harrison, proof sufficient to convict the prisoner. Neither could the evidence with regard to the words used at the Tower on the day of the insurrection, be said to rest on the solitary testimony of Haywood, whose credit it had been attempted to impeach. The evidence of Mr. Scott and Mr. Steers could not overturn the facts spoken by Mr. Dowling, or

